

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 December 16th 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 December, 1986.

From the City Treasurer:

A Trial Balance report as of close of business on December 31, 1986.

From the Police Department:

A report of fines & costs, \$ 4,649.25; Cash collected from street parking meters, \$ 6,814.21; Total cash collected, paid on accounts and turned over to City Treasurer for month of December, 1986, \$ 11,463.46.

From the City Auditor:

A financial report for the month of December, 1986.

A report of cash discounts saved in payment of vendor's invoices for month of December, 1986, totaling \$ 190.04

From the Dept. of Utility Billing:

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

✓ City Manager Milam introduced Harrisonburg's newly appointed Assistant City Manager, Mr. Roger Baker, and noted that the former City Manager of Clifton Forge, Va., has moved into his home in Stonefield Village Subdivision, and assumed his duties here.

✓ Correspondence dated 1/9/87 was presented from Attorney Lewis F. Jolly, requesting subdivision of a lot situate on the southeast corner of South Mason and East Bruce Streets, owned jointly by Mr. and Mrs. Jolly and Mr. and Mrs. Jay Secor. Purpose of the subdivision is to provide the Secors with sole ownership of the 1/3 portion which lies in rear of their property for conversion into backyard area, and ownership of the remaining 2/3 portion to be retained by the Jollys for continuation of a lease to Continental Telephone as parking lot area. Council's attention was called to a plat, attached to the correspondence. 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.

✓ As follow-up to his correspondence of January 9, 1987, Mr. J. R. Copper, Jr., President of Copper & Smith, was present in the meeting to present two requests on behalf of the firm's client, K & L Associates, developers of Longview Oaks Subdivision, namely: (1) city to provide water & sewer services to 55 housing units within the County of Rockingham on the east side of Vine Street, and (2) for the city to take appropriate action to vacate all original property lines and/or streets within the corporate limits, located within the boundary of Hilltop Farms Subdivision, pertaining to the proposed Longview Oaks Subdivision. Mr. Copper presented a map, setting out location of the proposed subdivision, as related to Vine Street, Stonefield Village Subdivision, city's water tank, etc. He noted that the City had accepted a right-of-way to construct a portion of the street which ties into the existing portion of Vine Street at Harris Gardens. The corporate line did not change under annexation of county land, by the City of Harrisonburg, but rather, the property in question was divided in half with a portion of same in the county and the remainder in the city. Last month, a plan for subdivision of the entire tract was submitted to the City Planning Commission, with action delayed by the Commission in view of the necessity to vacate various property lines and/or streets, as well as the necessity of receiving the county's approval for rezoning of the agricultural area to residential use. It was noted that a portion of the structures will be within the City, and approximately 55 structures in the county. When Council Member Rhodes said that questions were raised in the Commission's meeting concerning garbage collection, school busing, etc., Mr. Copper replied that the project is in "somewhat of a dilemma, and these details will have to be worked out between the two jurisdictions." With regard to police and fire protection, Manager Milam pointed out that the police department would have jurisdiction in the entire area since they would be within the one mile limitation, but the fire department can only answer calls in the county area, upon invitation to do so. Mr. Copper said they would be looking into accesses that can be turned into through streets in the future, and added that they were open to suggestions. Manager Milam said the Planning Commission had looked at the preliminary plan and felt that the vacation of property lines and/or streets should precede any action, as well as provision of water and sewer services outside the city limits. He noted that Hilltop Farms Subdivision is existing, and suggested that the city representatives may wish to meet with the county representatives, and developer, to reach some solutions. Council Member Rhodes made reminder that other areas also have need for water and sewer services, and added an observation that the present request could not be approved, without running into some problems. Following discussion, Council Member Shank offered a motion for the request concerning vacation of lines and/or streets, to be referred to the Planning Commission for review and report. The motion was seconded by Council Member Rhodes, and

adopted by a unanimous vote of Council. Vice-Mayor Dingleline and Council Member Shank, representatives of Harrisonburg on the Liaison Committee, were asked to arrange a meeting with the county's representatives, concerning the request for water and sewer outside the city limits.

Correspondence from Mr. B. E. Hoover, Vice-President of Operations & Risk Management, Rockingham Memorial Hospital, was presented. The correspondence, received by Planning Director Sullivan, set out the need for a study of possible safety measures in the vicinity of the hospital (i.e. need for posted speed restrictions or caution lights on Mason Street near the hospital and need for a caution light near the hospital emergency room). Mr. Hoover noted that many near accidents where a hospital employee was injured in November of 1986, while crossing Mason Street at the emergency room. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the correspondence was referred to the Harrisonburg Transportation Safety Commission, for investigation and recommendation.

Council received a hand-delivered message from the Daily News Record Reporter, with request, under the Virginia Freedom of Information Act, for notification of all meetings of City Council, with 24 self-addressed, stamped envelopes, enclosed. City Manager Milam said the city would comply with the request.

Council received the following Planning Commission report from its meeting of December 17th:

*"...The Director asked the Commissioners to consider allowing Mr. John Mrotzek, the new owner of Liberty Square Apartments on South Avenue, to construct ten 1-bedroom apartments on the south end of the site. Mr. J. R. Copper asked the Commission to grant a variance to permit the new units which will be on a private parking lot rather than facing a public street. Current zoning regulations limit the number of units on a private parking lot to 20. If this project is allowed, there will be 38 units on the parking lot. Mr. Copper also asked that Lots 2 and 3 be consolidated into one parcel. Mr. Mrotzek plans to establish a small recreation area on the east side of Blacks Run. Mr. Sullivan noted that outdoor green spaces are too often overlooked by apartment developers, and in this location, Blacks Run 'doesn't count' but any additions by Mr. Mrotzek will be welcomed. He added that the site is above the 100-year flood plain and under R-3 zoning, these new units are permitted based on density restrictions.*

*Mr. Heath moved that the Commission recommend a variance to allow 10 additional apartments in Section 3, Liberty Square Apartments, to be located on a private parking lot on the west side of Blacks Run, and to eliminate the lot line between Lots 2 and 3. Mr. Hughes seconded the motion and all members voted in favor of the motion..."*

Planning Director Sullivan pointed out the location on a map, noting that the new owner resides in Madison County. He said the Commission had treated the matter as a variance, with recommendation for the additional ten units, in that the land has been filled in and is flat. Mr. Copper noted that the project meets all requirements, with no parking problems, and added the fact that the same type of construction will be built. The parking lot will not be tied into Vale Circle, due to the fact that the developer does not own the land which lies between. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

The following report from a Planning Commission meeting of December 17th, was presented:

*"...Attorney Steve Weaver explained to the Commissioners a plat showing the resubdivision proposal involving Harley and Alta Rhodes' lot, 108 East Mosby Road and the Planter's Bank located on the northeast corner of South Main Street and East Mosby Road. Henry C. Clark and Ellen H. Brodersen are Trustees of the lot occupied by the bank. Mr. and Mrs. Rhodes desire to sell a 55' x 219' portion of their lot to Clark and Brodersen. No street or utility improvements are involved. If approved, the bank will purchase the two lots facing South Main Street, according to Mr. Weaver.*

*Mr. Milam moved for the Commission to recommend approval of the Harley & Alta Rhodes property as explained. Mr. Hartman seconded the motion which passed unanimously..."*

Planning Director Sullivan informed Council that Planter's Bank desires to enlarge the tract of land, although not owned by it, and will purchase a portion, or 2 lots, from the Rhodes, leaving the remainder to serve as side yard for the present owners. He noted no knowledge, to date, of any plans by the bank for the additional land. 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.

Council received the following Planning Commission report from its December 17th meeting:

*"...The Director described a proposed resubdivision request from Mr. and Mrs. George Martz of 942 Lee Avenue. They desire to reduce three lots into two lots. This will give more side yard to the Martz home and form a wider corner lot on the northeast corner of Lee Avenue and 6th Street. The area is zoned R-2 Single Family Residential.*

*Mr. Hartman moved for the Commission to recommend approval of the George and Rosalee Martz resubdivision on the northeast corner of Lee Avenue and 6th Street. Mr. Heath seconded the motion which passed unanimously..."*

Planning Director Sullivan termed the situation slightly unusual, in that the area includes three lots, with the Martz home situate on Lot 1. The desire is to increase the size of the Martz lot through elimination of the center lot. He added the fact that Sixth Street is not open at this point, and may remain undeveloped. 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.

The following Planning Commission report from its December 17th meeting, was presented:

*"...The Director described a proposed resubdivision request from Mrs. Fannie Sarco of 1272 Parkway Drive. She desires to reduce 4 long narrow lots into three parcels, one of which will include her home and garage.*

*The other lots will be vacant, but large enough for single family homes or apartments. No street or utility improvements will be required.*

*Mr. Hartman noted he was very familiar with the neighborhood and this site, and moved for the Commission to recommend approval of the resubdivision of Lots 1 through 4, Block 5 in Park View Heights. Mr. Hughes seconded the motion which passed unanimously..."*

Planning Director Sullivan called attention to the attached plats, noting that the proposed resubdivision would do away with the old lots and create a corner lot. He said there was a possibility that apartments may be constructed along the two lots, although no mention has been made of same. Council Member Shank offered a motion for the recommendation of the Planning Commission to 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 City Planning Commission meeting held on December 17th:

*"...The Director described a proposed resubdivision of Lot 32 in Harmony Heights, Section 1, to allow a 4-unit apartment structure to be sole as two separate parcels, each side with 2 units. Each lot will have over 8,000 square feet of lot area, and several similar 4-unit residences have been built in this area of Harmony Heights.*

*Mr. Hughes moved for the Commission to recommend approval of the resubdivision of Lot 32, Section 1 of Harmony Heights Subdivision.*

*Mr. Rhodes seconded the motion which passed unanimously..."*

Planning Director Sullivan noted that Mr. Meyerhoeffer, the developer, had to make sure the lots were large enough for the proposed construction. Vice-Mayor Dingledine 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.

✓ Council received the following Planning Commission report from its December 17th meeting:

*"...Mr. James Sheehan, representing Park Crest Land Trust, presented a plan of development, showing a 6,000 square foot small business building plus 38 off-street parking spaces, access lanes and landscaping. If the triangle-shaped lot is rezoned, it will become a portion of the proposed site plan. Access will be from North Main Street and a future street to be extended southeastward from Main. The dwelling at 1010 North Main Street will remain residential, and will belong to Park Crest Land Trust. The Main Street entrance will be directly across from Clinton Street. There was no opposition expressed.*

*After the hearing was closed, Mr. Hughes moved for the Commission to recommend rezoning Lot 19, Block N, Page 41 from R-2 Residential to B-2 General Business. Mr. Rhodes seconded the motion and all members voted in favor..."*

Planning Director Sullivan noted that insasmuch as the Commission had held its public hearing, and recommended the requested rezoning, it is necessary for Council to schedule a second public hearing, in that the request concerns a zoning issue. City Manager Milam said the first possible date for a hearing, in keeping with the time allowed for advertising, etc., would be February 10th. Council Member Rhodes offered a motion for the report of the Planning Commission to be accepted, and a public hearing scheduled for Tuesday, February 10th, 7:30 p.m. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the Hearing date.

✓ Ms. Becky Earhart, Economic Development Planner for the Central Shenandoah Planning District Commission, was present in the meeting to present copies of "Economic Overview" for the City of Harrisonburg and Rockingham County. She asked that copies of the report be received for distribution.

✓ City Manager Milam called attention to a proposed agreement between the City of Harrisonburg, Southern Railway Company and Wampler Foods, Inc., making provision for the division of labor, cost and responsibilities in connection with the grade crossing and installation and maintenance of automatic signalling devices at the crossing on Mt. Clinton Pike extended. He noted that City Engineer Wilcox had negotiated with railway officials re the crossing and Attorney Lawrence Hoover, Jr.'s efforts had been instrumental in approval of Industrial Access Funds by the State Highway & Transportation Commission, not to exceed \$ 286,000, representing reimbursement to the City of Harrisonburg upon completion of the project estimated at total cost of \$ 308,000. Mr. Wilcox oriented Council to the project and reviewed responsibilities delegated in connection with the crossing. He recommended that the proposed agreement, which assures the railway that its requirement for installation of signals and gates where the street crosses the southern tracks at the southwestern corner of the feed mill site, be approved, with authorization for the Mayor to sign the same on behalf of the City. It was further recommended that Wampers be given assurance that the City would reimburse the cost, upon receipt of funds from the state. Attorney Hoover made reminder that he had appeared before Council approximately 1½ years ago, when a group had requested approval for Wampler Foods to provide an exit from its proposed facility onto Route 42, which had culminated in the present agreement, with decision for Mt. Clinton Pike to be extended from Virginia Avenue to the entrance of the new feed processing facility. Manager Milam noted that Wampler had acquired a right-of-way from the railway on Kratzer Avenue to Liberty Street, with deeds turned over to the city. Under previous action, the city had agreed to see that Wampers are reimbursed for its cost for extension of the roadway approximately 500' east from Virginia Avenue. City Engineer Wilcox said that bills would have to be submitted by Wampers, as paid, in proof that the funds were spent on the project, and for what purposes. Vice-Mayor Dingledine questioned the responsibility for construction of curb & gutter, and Mr. Wilcox replied that this is normally responsibility of the developer, but in this particular instance, Wampers feel that insasmuch as they were instrumental in obtaining approval for the Industrial Access Funds, they should be absolved from construction of curb & gutter, estimated to cost \$ 6,000. He recommended that the project be completed through use of the funds and city monies. Attorney Hoover pointed out that although the 1986 agreement placed responsibility on Wampers, he felt the amount should be absorbed by the city in view of efforts made concerning the state funding. City Attorney Thurma said the agreement between the City, Railway and Wampers, appears to be in order. Vice-Mayor Dingledine offered a motion for the Mayor to be authorized to sign the agreement on behalf of the City, providing the City Attorney finds no reason, otherwise. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council. Attorney Hoover volunteered to have a

representative of Wampler Foods, sign the agreement, and return same for the Mayor's signature.

For information, Commissioner of Revenue Smith was present in the meeting to present a report on the City's General Reassessment, effective January 1, 1987, which has been completed, with the exception of Equalization Board hearings. He noted that Council should appoint members to serve as an Equalization Board, and asked consideration of names which had been submitted. The report set out a total of 8,317 parcels reassessed (both exempt & taxable); total assessment of all real estate in the City (land & improvements) \$ 803,771,400 less land use value deferred, \$ 28,856,000, leaving net 1987 taxable real estate in amount of \$ 774,915,400. Considering \$ 265,691,300, representing 1987 tax exempt value, the Grand Total value of all real estate in the City of Harrisonburg is \$ 1,069,627,000. Mr. Smith pointed out the fact that this is the first time the city's real estate has exceeded one billion dollars. An increase of 20.5% is reflected in real estate values over year 1986. Of 102 appointments which were made for citizens to be heard, Mr. Smith reported 75 changes made by appraisers, 19 no changes, and 8 appointments not kept. Manager Milam noted that names are submitted to the City Attorney, recommending appointments of members to the Equalization Board, by the Circuit Court.

Correspondence was presented from Attorney George H. Roberts, Jr., on behalf of his client, Rocco Enterprises, Inc., requesting a change in street address from "One Kratzer Avenue" to "One Rocco Plaza." Based on substantial improvements which have been made by Rocco and its subsidiaries in the area, together with improvements by the city in the surrounding area, it is felt that the location is more properly reflected by a change in the street address. On motion of Vice-Mayor Dingleline, seconded by Council Member Shank, and a unanimous vote of Council, the request was referred to the City Planning Commission for review and report.

Council Member Rhodes offered a motion for a supplemental appropriation in amount of \$ 1,001.65, requested by the Police Chief in order to replace overtime wages through funds received from various sources, to be approved for second & final reading, a first reading having been approved on December 16th, and that:

\$ 1,001.65 chgd.to: General Fund (1901.01) Recoveries & Rebates  
1,001.65 approp.to: General Fund (3101-1101.07) Overtime

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

Council Member Robinson moved that a supplemental appropriation of \$ 2,215, requested by the Director of Parks & Recreation in order to transfer monies received from insurance company for damages to truck, be approved for second & final reading, a first reading having been approved on December 16th, and that:

\$ 2,215. chgd.to: General Fund (1901.01) Recoveries & Rebates  
2,215. approp.to: General Fund (7101-3004.03) Maint. & Repairs- Auto Equip.

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

Council Member Robinson offered a motion for a supplemental appropriation in amount of \$ 8,800.24, requested by the Fire Chief, representing funds from a state grant, to be approved for second and final reading, a first reading having been approved on December 16th, 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 Council Member Rhodes, and adopted by a unanimous recorded vote of Council.

Council received a request from the School Board for approval of a supplemental appropriation in amount of \$ 47,250 in order to allocate anticipated revenues from Literary Fund Loan for construction of addition at Massanutten Vocational Technical Center. It was noted that the amount requested, represents the City's share of Vocational Assessment Center and provides additional space for the handicapped program. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$ 47,250 chgd.to: School Fund (4104.02) Antic. Rcpts- Loans from Lit.Fund  
47,250 approp.to: School Fund (1201-221.00) Day Sch.Instruction- Tuition Pd.Other Div.

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

Members were reminded that the first terms of Messrs. Thomas H. Robinson, II and Alfred B. Whitt as members of the Central Shenandoah Certified Development Board, had expired as of December 1, 1986; and attention was called to correspondence from Mr. Whitt, requesting that his services not continue into a second term, in that he would be moving to Winchester, Virginia. Council Member Rhodes offered a motion for Council Member Robinson to be reappointed to a second term of three (3) years, expiring on December 1, 1989. The motion was seconded by Vice-Mayor Dingleline, and adopted by a majority vote of Council. Council Member Robinson, abstaining.

At 9:10 p.m., Vice-Mayor Dingleline moved that Council enter an executive session to discuss real estate, legal and personnel matters. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

At 10:35 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

City Attorney Thurma presented for Council's consideration, a proposed ordinance enacting Section 11-5-11 of the city code by the addition of paragraph (f) relating to "Ground Signs", which reads as follows: "No ground sign, either on or off premises, shall be higher than thirty-five (35) feet in height, with the exception that a deviation of up to ten percent (10%) of maximum height may be granted upon review by the Board of Zoning Appeals. Maximum height is defined as being measured from grade at the base of said sign to its highest point." Members discussed briefly the 10% deviation, in certain instances, which would mean only a 3' addition, or allowance, which would provide that the top portion of a sign not have to be eliminated under the maximum height of 35'. 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.

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 10:40 p.m.

Tuesday, January 27, 1987

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; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman. Absent: Vice-Mayor Raymond C. Dingleline, Jr. and Chief of Police Richard W. Presgrave. (sitting in for the Chief, Capt. Stroble).

Senior Council Member Elon Rhodes called the meeting to order and asked for reading of minutes for the previous meeting. Minutes of the regular meeting held on January 13th were approved as read.

Mayor Green entered the meeting, and was recorded present.

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

*"...The Commissioners reviewed a map showing the location of Lots 14A and 15 on the east side of Old South High Street, where R. S. Monger & Sons desire to expand their lumber storage yard. Messrs. John and James Monger were present to explain the plan to expand an existing lumber storage area southward into the east half of Lots 14A and 15. The dwellings on both lots are separated from the proposed lumber area by steep hillside terrains. No-one spoke against the rezoning request.*

*Mr. Hughes moved and Mr. Rhodes seconded his motion that the Commission recommend approval of the rezoning, from R-2 Residential to M-1 Industrial, the east half of Lots 14A and 15 on the east side of Old South High Street. The motion passed unanimously..."*

City Manager Milam made reminder that a public hearing would have to be scheduled, inasmuch as the matter deals with a zoning issue. He suggested that February 24th be considered, in view of time which must be allowed for proper advertising, etc. Council Member Rhodes offered a motion for the report of the Planning Commission to be accepted, and a public hearing scheduled for Tuesday, February 24th, 7:30 p.m. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council Members present. The City Manager was instructed to properly advertise the Hearing.

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

*"...Mr. Lewis Jolly, owner of Lot 1A on the southeast corner of South Mason and East Bruce Streets, reported that Mr. and Mrs. Jay Secor of 218 Franklin Street want to acquire the eastern third of Lot 1A in order to expand their back yard. The Secor property (Lot 2) originally included the eastern third of Lot 1A. Mr. Jolly said he will continue leasing his 2/3 portion of Lot 1A to Continental Telephone Company as a non-conforming parking lot. (The land is zoned R-2 Residential).*

*Mr. Hartman moved for the Commission to recommend approval of the subdivision of Lots 1A and 2 as requested by Mr. Lewis Jolly, noting that Mr. and Mrs. Jay Secor's residential property at 218 Franklin Street will gain 1,800 square feet for back yard expansion. Mr. Rhodes seconded the motion which passed unanimously..."*

City Manager Milam called attention to the attached plat, setting out location of the lots, and Council Member Rhodes, a member of the City Planning Commission, noted no problems when the resubdivision was discussed by the Commission members. 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.

For consideration of a second & final reading, City Attorney Thumma presented an ordinance enacting Section 11-5-11 of the City Code with addition of paragraph (f), setting a maximum of 35 ft. in height for ground signs, with exception that a deviation of up to ten percent of the maximum may be granted upon review by the Board of Zoning Appeals. Council Member Rhodes offered a motion for the ordinance, which was approved for a first reading on January 13th, 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 Shank, and adopted by a unanimous recorded vote of Council Members present. (Ord. Bk L, page 84).

Council Member Robinson moved that a supplemental appropriation in amount of \$ 47,250., requested by the City School Board in order to allocate anticipated revenues from a Literary Fund Loan for construction of addition at Massanutten Vocational Technical Center, be approved for second & final reading, a first reading having been approved on January 13th, and that:

\$ 47,250. chgd.to: School Fund (4104.02) Antic.Repts- Loans from Literary Fund

47,250. approp.to: School Fund (1201-221.00) Day Sch.Inst.- Tuition Pd.Other Divisions

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

A request was presented from Mr. James Baker, Assistant Superintendent of the City Street Department, for approval of a supplemental appropriation in amount of \$ 200,000., representing anticipated Industrial Access Funds for extension of Mt. Clinton Pike. City Manager Milam explained that the funds, when received, would be used, partially, as reimbursement to Wampler Foods, Inc. for its cost in the project, upon presentation of bills to the City, by Wampers, with proff of payment and statement of purposes for which payments were made. Council Member Robinson offered a motion for the appropriation to be approved for a first reading, and that:

\$ 200,000 chgd.to: General Fund (2404.07) Industrial Access

200,000 approp. to: General Fund (4102-7012.02) Work in Prog.- Industrial Access

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

Request was received from Parks & Recreation Director Gilkerson for approval of a supplemental appropriation in amount of \$ 61,320.50 in order to purchase an additional 21.145 acres of land @ \$2,900 per acre, from Mr. Phillip Lam. City Manager Milam noted that the acreage is fairly level, with 3 - 4' of clay material, and fronts on Old Furnace Road. It borders the SPCA on the west and the railroad tracks on the east. He pointed out location of the acreage on a map, in relation to other

existing park areas owned by the city, and gave the history of how each was acquired by the City. Use of the acreage will have to be determined at a future date. Council Member Robinson, who resides on Smithland Road, noted no problem with drainage in the area, to his knowledge. When the question of a survey was brought up in Council, Manager Milam noted that this would be done, prior to a final reading of the appropriation. Council Member Robinson moved that the appropriation be approved for a first reading, and that:

\$ 61,320.50 chgd.to: General Fund - Unappropriated Fund Balance  
61,320.50 approp.to: General Fund (7101-7009.00) Cap.Outlay- Land

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

A request was presented from Water/Sewer Superintendent Yancey for approval of a supplemental appropriation in amount of \$ 6,000 for purchase of one acre of land adjoining the City's Water Treatment Plant. City Manager Milam noted that although negotiations had not been completed, the additional land is needed for a second Holding Pond for wastewater, with relocation of the fence, necessary. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$ 6,000 chgd.to: Water Fund - Unappropriated Fund Balance  
6,000 approp.to: Water Fund (7-7009.00) Land

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

For consideration of approval, City Manager Milam presented and read the following proposed Resolution Amending the Personnel Classification System and Uniform Pay Plan of the City of Harrisonburg:

*WHEREAS, on April 27, 1976, this Council adopted a Personnel Classification System and Uniform Pay Plan; and*

*WHEREAS, this Council desires to amend that plan by enacting a new uniform plan which is flexible enough to meet the needs of a growing city and a changing economy,*

*NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, Virginia, that the Amended Personnel Classification System and Uniform Pay Plan of 1987 shall be the Personnel Classification System and Uniform Pay Plan of this City until amended or repealed.*

*This resolution shall have no effect upon the City's current grievance procedures.*

*ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.*

*Mayor*

*Atteste:*

*Clerk*

Manager Milam reported on the City's plans, to date, as follows: The City adopted a Personnel Management System Plan in April, 1976, prepared by Municipal Advisors of Virginia Beach, Virginia, one year after a state mandate requiring all cities & towns to adopt a plan for Grievance Procedures. The 1976 Plan included some provisions as set out in the City Code (i.e. sick leave, holidays, mileage, etc.), as well as a chapter on Grievance Procedures, which inclusions are still in effect. The Plan, which represented a 2-year update of a former Yarger Plan, consolidated 1970 and 1974 plans, is still in existence. In 1980, the City prepared a salary update from a study, back to 1970, of all positions in the City, to be assured that all employees' salaries were keeping up with inflation. When this Plan was presented in 1980, Council's feelings at the time, was to approve same as a management tool or guideline, which was done, and the Plan used in this manner for the next several years. The Plan was not, however, officially adopted by City Council. In 1985, bids were advertised for an updated Pay Classification Plan, with Yarger Associates of Falls Church, Virginia, submitting the low bid. Yarger and Municipal Advisors are the only two firms in the state that perform this type of service. Request was made for all positions in the city to be studied, and each city employee submitted a list of duties performed. The report, completed, was presented to Council in January, 1986, and again in February, 1986, at which time it was approved only as a Guide, in preparation of the upcoming 1986-87 budget. Manager Milam pointed out the fact that the proposed Resolution Amending the Personnel Classification & Uniform Pay Plan, will establish all beginning salaries for all applicants, with no effect on current or existing employees. The Amendment was prepared by different individuals, mostly in the legal profession. Following approval of the resolution, all department heads will re-submit the various positions in their units, to the City Manager, and they will be approved or amended, to become an Appendix to the current plan. Although merit raises have been, under the old system, based on individual performance, Council will determine any increases for the various departments, based on the City Manager's determination of job performance for each department, either in lump sum, or by percentage, from an amount set aside by Council. The City Manager will determine the cost of living increase in the Harrisonburg area for the previous year, which figure will be presented to Council for approval, or modification. If approved, all employees would receive that percentage of salary increase. Bonus raises for "superior or outstanding" job performance would be determined by the City Manager on an individual basis, with this measure serving as an incentive for all employees in the performance of their duties. When Council Member Robinson asked if the City has a uniform policy for evaluation of a position, Mayor Green replied in the negative, noting that the point was well taken, and something that should be looked into, in order that merit raises can be based on individual performance, rather than by department. Council Member Rhodes offered a motion for the Resolution Amending the Classification System and Uniform Pay Plan of the City of Harrisonburg, 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 Members present. Absent: Vice-Mayor Dingledine.

For information, City Manager Milam noted that Mr. Martin Eby prefers not to initiate the zoning of his property on North Liberty Street, but desires to know what the City prefers in the area.

Council Member Robinson informed Council that Mr. Gordon Speck had reiterated his former requests for relief from truck traffic on Port Republic Road.

There being no further business, and on motion duly adopted, the meeting adjourned at 9:00 P.M.

CLERK

MAYOR

Tuesday, February 10, 1987

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. Thuma, 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 January 27th 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 January, 1987.

From the City Treasurer:

A Trial Balance Report as of close of business on January 31, 1987.

From the Police Department:

A report of Fines & Costs, \$ 3,830.85; Cash collected from street parking meters, \$ 7,058.59; Total cash collected, paid on accounts and turned over to City Treasurer for month of January, 1987, \$ 10,889.44.

From the City Auditor:

A financial report for the month of January, 1987.

A report of cash discounts saved in payment of vendor's invoices for month of January, 1987, in total amount of \$ 219.99.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of January, 1987.

City Manager Milam called attention to the Harrisonburg-Rockingham Community Services Board Financial Report for year ended June 30, 1986, prepared by the CPA Firm of Young, Nicholas, Mills & Company. Copies of the report will be available.

Mr. John Driver, a member of the Harrisonburg-Rockingham Regional Sewer Authority, introduced Mr. Curtis Poe of New Hope, Virginia, the new Executive Director of the Authority, who assumed his duties on January 5th. Mr. Poe said he was looking forward to working with City Council for years to come, and extended an invitation for members to visit the regional facility at any time.

At 7:43 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 January 22nd and February 5th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 10, 1987, at 7:30 P.M. in the City Council Chambers, to consider a rezoning request from Park Crest Land Trust, to rezone Lot 19, Block N, Page 41 of the City Block Map from R-2 Residential to B-2 General Business District. This triangle-shaped vacant lot is on the southeast side of North Main Street, opposite Clinton Street. Purpose: to develop a small business.*

*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 referred to the following Planning Commission report from its December 17th meeting, which report was submitted to Council at the regular meeting held on January 13th:

*"...Mr. James Sheehan, representing Park Crest Land Trust, presented a plan of development, showing a 6,000 square foot small business building plus 38 off-street parking spaces, access lanes and landscaping. If the triangle-shaped lot is rezoned, it will become a portion of the proposed site plan. Access will be from North Main Street and a future street to be extended southeastward from Main. The dwelling at 1010 N. Main Street will remain residential, and will belong to Park Crest Land Trust. The Main Street entrance will be directly across from Clinton Street. There was no opposition expressed.*

*After the hearing was closed, Mr. Hughes moved for the Commission to recommend rezoning Lot 19, Block N, Page 41 from R-2 Residential to B-2 General Business.*

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

Mayor Green called on anyone present in the Hearing, desiring to be heard, either for or against the rezoning request. There being none, the Hearing was declared closed at 7:45 P.M. and the regular session reconvened.

Mayor Green asked members' wishes concerning the rezoning request of Park Crest Land Trust, the issue of this evening's public hearing. 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.

City Manager Milam called attention to Agenda Item No. 5 "Community Mediation Center report" and informed Council that he had been advised that a report had not been prepared for presentation at this time.

Fire Chief Shifflett reported to Council that he had attended a meeting last August, concerning the possibility of establishing a Hazardous Material Task Force, which would be regional, with representation from each participating jurisdiction. Representatives from Augusta County; Rockingham County; Staunton; Rockbridge County; Buena Vista; Harrisonburg and Waynesboro, were present, and each expressed interest, with interest also expressed by Lexington, although its representative was unable to attend the meeting. Chief Shifflett said that Harrisonburg is probably better equipped than any of the other localities, and can handle most problems with hazardous materials, although we may suffer some problems if there is a major incident which requires additional manpower. All participating communities would benefit, in that they would work together, drawing from each other, and responding to each other. The City could be saved some expense insofar as manpower and equipment, with a hope for some state funding toward the regional endeavor. He noted that Council's blessing was necessary

with regard to Harrisonburg's participation, and if granted, an individual to serve on the Task Force should be designated. City Manager Milam informed Council that he had asked the Chief to attend the meeting, in that he is in charge of hazardous materials in Harrisonburg. He asked Council's feelings regarding the matter, and suggested that should Harrisonburg participate, Fire Chief Shifflett be designated to serve on the Task Force. Council Member Shank asked if hazardous material was considered as that coming down the highway, and the Chief responded by noting that there is also some hazardous material within the industrial areas of the City. The Interstate, however, is the major problem, in that it can be several days before the incident is concluded. During a major incident such as this, manpower and equipment could be drawn from other Task Force areas. He said that Harrisonburg's equipment level has been brought up, over the past six or seven year, through fiscal year budgets, with this proposed program being handled much in the same manner. Should it become necessary to request additional funding in the future, the situation could be evaluated to determine whether or not it would be worthwhile for Harrisonburg to continue its participation. Following discussion, Council Member Shank offered a motion for Harrisonburg to concur in the formation of a Regional Hazardous Material Task Force, and designate Fire Chief Larry Shifflett to serve as Harrisonburg's representative. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

Vice-Mayor Dingleline offered a motion for a supplemental appropriation in amount of \$ 200,000 requested by the Assistant Superintendent of Streets and representing anticipated Industrial Access Funds for the Mt. Clinton Pike extension project, to be approved for second & final reading, a first reading having been approved on January 27th, and that:

\$ 200,000 chgd.to: General Fund (2404.07) Industrial Access

200,000 approp.to: General Fund (4102-7012.02) Work in Prog.- Industrial Access

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council. City Manager Milam pointed out the fact that although the anticipated funds are in amount of \$ 286,000, the remainder over and above this evening's request, will be reserved for costs incurred in the railroad crossing.

Council Member Shank moved that a supplemental appropriation in amount of \$ 61,320.50, requested by the Parks & Recreation Director in order to purchase 21.145 acres of land from Mr. Phillip Lam, which appropriation was approved for a first reading on January 27th, be now approved for second & final reading, and that:

\$ 61,320.50 chgd.to: General Fund - Unapprop. Fund Balance

61,320.50 approp.to: General Fund (7107-7009.00) Cap.Outlay- Land

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

Council Member Rhodes offered a motion for a supplemental appropriation in amount of \$ 6,000, requested by the Water/Sewer Superintendent for purchase of an acre of land adjacent to the City's Water Treatment Plant, to be approved for second & final reading, a first reading having been approved on January 27th, and that:

\$ 6,000 chgd.to: Water Fund - Unapprop. Fund Balance

6,000 approp.to: Water Fund (7-7009.00) Land

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

City Manager Milam presented a request from Building/Zoning Official John Byrd, for approval of a supplemental appropriation in amount of \$ 2,100, in order to place funds which have been received from an insurance company for damages to 1241 N.Main Street, into account for property maintenance. The property houses the Harrisonburg/Rockingham Community Services Board, and is owned by the City of Harrisonburg. Vice-Mayor Dingleline offered a motion for the appropriation to be approved for a first reading, and that:

\$ 2,100 chgd.to: General Fund (1901.01) Recoveries & Rebates

2,100 approp.to: General Fund (4302-3004.09) Prop.Maint.- 1241 N.Main St.

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 \$ 4,662.18 in order to transfer monies received from FEMA for Riven Rock Park Flood Damage of 1985, into account for work in progress projects. City Manager Milam noted that the funds had been received from Federal Emergency Management Association. Council Member Robinson moved that the appropriation be approved for a first reading, and that:

\$ 4,662.18 chgd.to: General Fund (1901.01) Recoveries & Rebates

4,662.18 approp.to: General Fund (7107-7011.00) Cap.Outlay- Work in Progress

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, Superintendent of the Street Department, for approval of a supplemental appropriation in amount of \$ 55,000, in order to cover operations at the Sanitary Landfill, due to insufficient funds in the Street Budget. City Manager Milam noted that two transactions would be necessitated, as follows: (1) a transfer of funds in amount of \$ 55,000 from the City's General Fund Unappropriated Fund Balance into the Sanitation Department's Unappropriated Fund Balance, and (2) an appropriation of \$ 55,000 from the Sanitation Department Unappropriated Fund Balance, into various accounts within the Sanitation Department for Landfill Operation. Council Member Rhodes offered a motion for a transfer in amount of \$ 55,000 to be approved, and that:

\$ 55,000 trans.from: General Fund- Unappropriated Fund Balance

55,000 trans. to: Sanitation Fund- Unappropriated Fund Balance

The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council. Vice-Mayor Dingleline then offered a motion for an appropriation in amount of \$ 55,000 to be approved for a first reading, and that:

\$ 55,000 chgd.to: Sanitation Fund- Unapprop. Fund Balance

38,370 approp.to: Sanitation Fund (3-1010.01) Other Pers.Services

1,970 approp.to: Sanitation Fund (3-2005.01) Hosp. & Accident Ins.

7,657 approp.to: Sanitation Fund (3-3004.01) Maint. Mach. & Equip.

400 approp.to: Sanitation Fund (3-3004.04) Maint.& Rep.- Bldg. & Grnds.

105 approp.to: Sanitation Fund (3-5200.01) Communications

3,000 approp.to: Sanitation Fund (3-5408.01) Gas, Lub,Tires, etc.

3,498 approp to: Sanitation Fund (3-8001.01) Lease & Rental of Equip.

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

A request was presented from Fire Chief Larry Shifflett for approval of a supplemental appropriation in amount of \$ 43,510.95, in order to recover funds received from an insurance company for collision, and from Rockingham County for its share of cost for Dispatchers. Council Member Shank moved that the appropriation be approved for a first reading, and that:

\$ 43,510.95 chgd.to: General Fund (1901.01) Recoveries & Rebates  
 38,510.95 approp.to: General Fund (3201-1001.06) Dispatchers  
 2,000.00 approp.to: General Fund (3201-3004.03) Maint. & Repairs- Auto Equip.  
 2,000.00 approp.to: General Fund (3201-5200.01) Communications  
 1,000.00 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.

Council received a request from the Street Superintendent for approval of a supplemental appropriation in amount of \$ 21,761.36, representing reimbursement from Harrisonburg Redevelopment & Housing Authority for construction of Kelley Street Extension. Council Member Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 21,761.36 chgd.to: General Fund (1901.01) Recoveries & Rebates  
 21,761.36 approp.to: General Fund (4102-7012.00) St.Inspect.- Cap.Outlay- Work in Prog.

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

Council received a request from Street Superintendent Baker for approval of a supplemental appropriation in amount of \$ 55,000, due to insufficient funds for snow & ice removal operations. It was noted that 400 tons additional salt and 200 tons of grit had been purchased, with an added cost for repairs to snow removal equipment. City Manager Milan noted that Superintendent Baker and his department had done a superb job during the recent snow & ice, with few calls received in his office relating to any type of complaint. The Mayor and other Council Members remarked that fewer calls were received, than during previous snows in the city. Council Member Rhodes moved that the appropriation be approved for a first reading, and that:

\$ 55,000 chgd.to: General Fund - Unapprop.Fund Balance  
 55,000 approp.to: General Fund (4202-5804.01) Snow & Ice Removal

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

Correspondence was presented from Commissioner of Revenue Victor Smith, expressing the necessity of computerizing real estate records, because of increasing volume of real estate transactions in the City, due to numerous real estate transfers, approval of subdivisions and shopping centers, etc. Request was made for the balance of funds appropriated for the 1986 General Reassessment, which will remain, following Hearings by an Equalization Board, to be used for purchase of software and other equipment needed for programming real estate records. The system will cost in the neighborhood of \$ 30,000. City Manager Milan offered an opinion that computerizing records is a good idea, noting that the funds have been appropriated under Assessments. All buildings in the city would be outlined, thus eliminating the need for performing this task by hand. Following discussion, Council Member Rhodes offered a motion for the remaining funds, when determined, to be used by the Commissioner of Revenue for the necessary software and equipment. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

At 8:25 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 real estate.

At 10:20 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

Council was reminded of a vacancy on the Harrisonburg Redevelopment & Housing Authority, in view of Mr. Edward White's resignation, and the Mayor asked members' wishes concerning an appointment. Council Member Rhodes offered a motion for Mr. Larry Packett of 217 Divot Drive, Harrisonburg, to be appointed to fill the unexpired term to November 29, 1988. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Council Member Robinson, a representative of Harrisonburg on the Central Shenandoah Certified Development Company Board, offered a motion for appointment of a second representative to replace Mr. Whitt, not be listed as an agenda item, until further notification, in that very few meetings are being held at the present time, with very little business transacted. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

During discussion of appointments to various Boards and Commissions, it was noted that a vacancy exists on the Harrisonburg/Rockingham Alcohol Safety Action Program Commission, due to the resignation of Dr. McIntire. Mayor Green appointed Dr. Wayne E. Engel of Route 5, Harrisonburg, to serve on the ASAP Commission as a representative of the City.

City Attorney Thumma advised Council that when names are determined, representing nominees to serve as an Equalization Board, the Council's Clerk could write a letter to Mr. Wayne Harper, with request that he submit the names to the Circuit Court Judge for the Court's consideration of appointments. Council Member Rhodes offered a motion for the Mayor to be authorized to submit 3 to 5 names to the Clerk, in order that this procedure may be followed. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

There being no further business, and on motion duly adopted, the meeting was adjourned at 10:27 P.M.

CLERK

MAYOR

Tuesday, February 24, 1987

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 February 10th were approved, as read.

For information, Vice-Mayor Dingleline reported from information in a letter from Mr. Phillip Stone, Co-Chairman of the Harrisonburg-Rockingham Bicentennial Commission, that the County of Rockingham and City of Harrisonburg has been officially recognized as a "Bicentennial Community" by both the state and national organizations.

At 7:46 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 February 5th and 19th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 24, 1987, at 7:30 p.m. in the City Council Chambers to consider a rezoning request from Mr. James C. Monger, to rezone the east half of Lots 14A & 15, Block H of Page 25, City Block Map, from R-2 Residential to M-1 Industrial. Approximately 26,500 square feet of land is involved. Purpose: to use as a lumber storage area.*

*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 from its meeting held on January 21st, which report was presented to City Council on January 27th:

*"..The Commissioners reviewed a map showing the location of Lots 14A & 15 on the east side of Old South High Street, where R.S. Monger & Sons desire to expand their lumber storage yard. Messrs. John and James Monger were present to explain the plan to expand an existing lumber storage area southward into the east half of Lots 14A and 15. The dwellings on both lots are separated from the proposed lumber yard area by steep hillside terrains. No-one spoke against the rezoning request.*

*Mr. Hughes moved and Mr. Rhodes seconded his motion that the Commission recommend approval of the rezoning, from R-2 Residential to M-1 Industrial, the east half of Lots 14A and 15 on the east side of Lots 24A and 15 on the east side of Old South High Street. The motion passed unanimously..."*

The Director pointed out the fact that the existing dwellings are close to the sidewalk, and Mongers desire to expand an existing storage space in the landlocked area. He noted no opposition from adjacent property owners, to the rezoning, when they were notified of the request. There being no others desiring to be heard, either for or against the rezoning, the Public Hearing was closed at 7:48 P.M. and the regular session reconvened.

Mayor Green asked members' wishes concerning the rezoning request of Mr. James Monger. Council Member Rhodes moved that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous recorded vote of Council. All members present.

At 7:49 P.M., Mayor Green closed the regular session temporarily for the second Public Hearing of the evening, and City Manager Milam read the following Notice of Hearing as advertised in the Daily News Record newspaper on February 10th and 24th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 24, 1987 at 7:30 P.M. in the City Council Chambers, Municipal Building, 345 S. Main Street.*

*There will be a Public Hearing February 24, 1987 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 '88.*

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Mr. Reggie Smith, Transportation Director, called attention to all documents relating to the application, and noted that this annual application for fiscal year 1987-88, reflects primarily the same expenditures as last year. There being no others present, desiring to be heard, the Public Hearing was declared closed at 7:54 P.M. and the regular session reconvened.

City Manager Milam presented and read the proposed resolution for Council's consideration of approval:

*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 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 \$ 311,475,000 to assist in the capital, operating and administrative costs of local public transportation services, to accept from the Virginia Department of Transportation, grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of 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 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 \$ 31,587.50 to defray fifty percent (50%) of the local matching share for administrative expenses and ninety-five percent (95%) 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 Transportation, grants in such amount as may be awarded; and to authorize the City Manager to furnish to the Virginia Department of Transportation, such documents and other information as may be required for processing the grant request.

The Harrisonburg City Council certified 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 expenditure of funds granted the City of Harrisonburg, may be subject to audit by the Virginia Department of Transportation and by the State Auditor of Public Accounts.

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

Mayor Green asked members' wishes concerning Harrisonburg's application for transportation funding, fiscal year 1987-88. Vice-Mayor Dingledine offered a motion for the Resolution, as read by the City Manager, to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council. All members present.

✓ Council received reports concerning the Community Mediation Center, the non-profit organization with headquarters on Green Street in Harrisonburg, via information furnished by Josie Showalter, Acting Director; Mr. Milton Coyle, early planner of the organization, Joan Benson reporting on the program in the school systems, and Attorney Larry Hoover who has been working with the organization since its beginning, five years ago. Although the funding has come from civic organizations, churches, individual contributions, etc., request was made for Harrisonburg to contribute the amount of \$ 10,000, with same amount to be requested of Rockingham County. This would represent 1/3 of the original budget, with contributions to continue through other sources. Mayor Green expressed appreciation for the presentation, and said the request would be given consideration in the budget study for fiscal year 1987-88.

✓ Mrs. Betty Redmond, Nurse Manager of the Central Shenandoah Health District, was present in the meeting to report on nursing activities at the Harrisonburg-Rockingham County Health Department.

✓ The following Planning Commission report from its February 18th meeting, was presented:

"...Following a public hearing during which no objections were voiced, Mr. Hartman moved and Mr. Hughes seconded his motion to recommend vacating undeveloped Circle Drive, from Sunrise Avenue to Maryland Avenue, and Lots 17 and 18, Block G, Page 23 of City Block Map. This motion passed unanimously..."

Planning Director Sullivan informed Council that the proposed action is necessary, in order to clear the way for Mr. Jerry Scripture's proposed Parkwood Subdivision, a 21 lot single family layout north-west of Elmwood Drive. The land is "scubby" at the present time, with cedar trees, etc. Mr. Scripture desires to vacate a small lot line and street. If the vacations are approved, a plan will be submitted, setting out the location of lots fronting on Sunrise and Maryland Avenues. City Attorney Thumma expressed no need for a Board of Viewers, in that the developer is also the subdivider, with no additional land derived from the closings. Council Member Shank moved that the report of the Planning Commission be accepted, with a public hearing scheduled for Tuesday, March 10th, 7:30 P.M. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council. The City Manager was instructed to properly advertise the Hearing.

✓ Council received the following Planning Commission report from its February 18th meeting:

"...Following the public hearing to consider vacating of all lots and streets north of East Washington Street ext'd, in Hill Top Farms Subdivision, Mr. Rhodes moved and Mr. Heath seconded his motion for the Commission to recommend vacating of all lots within the City north of East Washington Street extended, plus undeveloped East Park Drive and Woods Street, as shown on the 1917 plat of Hill Top Farms Subdivision. The motion passed unanimously..."

Planning Director Sullivan noted no opposition expressed at the Commission's Hearing, and said it was understood that the County received no opposition at its February 11th Hearing, although no action was taken by the Supervisors at that time. Council Member Rhodes offered a motion for the report of the City Planning Commission to be accepted, and a public hearing scheduled for Tuesday, March 10th, 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 Hearing.

✓ Council received the following Planning Commission report from its February 18th meeting:

"...The Commissioners studied a proposed Final Plan for Reherd Acres Subdivision, Unit 22. It shows ten single family lots on proposed Sparrow Court. The Director reported that 25' utility easements around the exterior borders of the layout have been added to the plat. Chairman Trobaugh reported that some of the Commissioners visited the site and feel the site is ideal for single family lots.

Mr. Heath moved, and Mr. Rhodes seconded his motion for the Commission to recommend approval of Unit 22, Reherd Acres Subdivision..."

Planning Director Sullivan noted that the developer wants to create a cul-de-sac at the top of a knoll, or hill, and is ready to move along with the next phase of the project, which will be approximately ten single family lots south of the area. 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 February 18th meeting was presented:

"...The Commissioners were briefed on the status of Mr. Harry Flippo's proposed Harrington Heights Subdivision, Unit 3. The 8 single family lots had been approved in May 1986, but Mr. Flippo had not recorded the plat by the end of 1986, therefore it is 'void.' Chairman Trobaugh reported that he has learned that Mr.

Flippo doesn't plan to develop the subdivision, but will likely sell the 8 lots, therefore the future owner should post bond or a letter of credit, and not Mr. Flippo. Mr. Milam noted that Mr. Flippo signed a letter in April 1986, agreeing that only single family dwellings will be built in Unit 3.

Mr. Heath moved for the Commission to recommend the re-approval of Harrington Heights Subdivision, Unit 3, providing that only single family dwellings be built. Mr. Hughes seconded the motion which passed unanimously.."

Council Member Robinson 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 February 18th meeting:

"...The Commissioners studied a final plat of the Deyerle Subdivision, Section 2, drawn by Surveyor J. R. Copper. One lot with 1.158 acres is proposed, fronting on the east side of Reservoir Street. Mr. Sullivan suggested amending the plat to show two lots, with the second lot being on the southeast corner of Reservoir Street and University Boulevard. Mr. Bill Neff, spokesman for Deyerle Land, Inc., agreed to the 2-lot suggestion.

Mr. Hartman moved for the Commission to recommend approval of the Deyerle Subdivision, Section 2, providing Mr. Copper change the plat to show 2 lots. Mr. Rhodes seconded the motion which passed unanimously..."

Attention was called to the revised plat, copies of which were made available for each member of Council, this evening. 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 February 18th meeting, was received:

"...The Commissioners reviewed a plat drawn by Surveyor David Ingram, showing an 11' wide strip of land to be conveyed by Mr. Arthur Fovargue to his neighbor, Mr. J.A. Croushorn. The 1,891 square foot strip of land will increase the size and width of the Croushorn property at 230 Monument Avenue.

Mr. Rhodes moved and Mr. Hughes seconded his motion to recommend approval of this minor re-subdivision. The motion passed unanimously..."

Vice-Mayor Dingledine said he believes the one piece of property is currently owned by Mrs. Croushorn, and offered a motion for the recommendation of the Planning Commission to be approved, pending verification of ownership. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ The following Planning Commission report from its February 18th meeting, was presented:

"...Surveyor J. R. Copper presented and explained the Preliminary Site Plan for Skyline Village Shopping Center, to be located on East Market Street south of the New York Carpet World Store. In addition to an L-shaped layout of new stores, there will be four parcels along East Market Street. Also, Mr. Bill Neff plans to dedicate a 60' collector street to the City on the south side of the 22 acre site. The shopping center developer, Mr. Price, of Baltimore, told the Commissioners he is ready to work with the City on street and traffic improvement needs along East Market Street.

Mr. Hughes concluded the discussion with a motion for the Commission to endorse the Preliminary Plans. Mr. Hartman seconded the motion. The motion passed unanimously..."

Planning Director Sullivan noted plans for a future street that will run along the southern edge of the shopping center, across a field, and back to University Boulevard. Mr. Copper pointed out that the City inherits the water line, which will have to be relocated, and that the easement has been conveyed to the city. Plans for the shopping center have been submitted to City Staff, and were returned for some minor adjustments. One large department store desires to purchase a plot for its store, as well as some surrounding area for parking. Spaces will be available for other stores, banks, etc. Mr. Bill Neff said that although a 60' right-of-way has been conveyed for the water line, he wants to dedicate the remainder of right-of-way to the City. Following discussion, Council Member Robinson 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.

✓ The following Planning Commission report from its February 18th meeting, was presented:

"...Under other matters, Mr. Copper asked the Commissioners to recommend preliminary approval for Mr. Kevin Leigh to plan Phase One of Longview Oaks Subdivision. Phase One will be on the east side of developed Vine Street and totally within the City. Mr. Leigh plans to build apartment structures in Phase One. He is not asking for overall site plan approval of Longview Oaks Subdivision.

Mr. Rhodes moved for the Commission to recommend preliminary approval for Mr. Leigh to plan Phase One of Longview Oaks Subdivision, subject to him explaining this to City Council. Mr. Hartman seconded the motion which passed unanimously..."

Planning Director Sullivan pointed out location of the subdivision on a map. Mr. Copper requested that City Council allow the Designer to proceed with engineering plans for Phase One of the subdivision, on the portion of R-2 zoned land which lies within the City, and has Vine Street in existence. Mr. Leigh desires to build some apartment structures where utilities are available. Further noted, was the fact that they are in the process of working out the situation with both the city and county. Council Member Robinson offered a motion for Council to grant preliminary approval for Mr. Leigh to proceed with plans for Phase One, as recommended by the City Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

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

WHEREAS, Section 33.1-89 of the Code of Virginia, as amended by the 1970 session of the General Assembly, authorizes the Department of Transportation Commission to acquire rights-of-way for the construction, reconstruction,

alteration, maintenance and repair of public highways within municipalities on projects which are constructed with State or Federal participation; and  
 WHEREAS, Section 33.1-89, as amended, further provides that the Department of Transportation Commissioner may exercise such authority only upon receipt of official request from the city or town involved,

THEREFORE, BE IT RESOLVED, that the City Council of Harrisonburg, Va., hereby requests the Department of Transportation Commissioner to acquire the necessary rights-of-way for Project 0042-115-102, PE101, South Corporate Limits to Grace Street, within the Corporate Limits of said City, and to convey the title to such right-of-way to the City Council of Harrisonburg, and agrees to reimburse the Virginia Department of Transportation for five percent (5%) of all costs incurred in the acquisition and conveyance of such rights-of-way; and it is understood that such acquisitions will be handled by the Commissioner under established policies and procedures and his decision in all instances will be final.

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
 Mayor

Atteste:

\_\_\_\_\_  
 Clerk

On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous recorded vote of Council, the Resolution was approved.

✓ Council Member Robinson moved that a supplemental appropriation in amount of \$ 2,100, requested by the Building/Zoning Official, in order to place funds from an insurance company for damages to 1241 N. Main Street, into the proper account, be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 2,100 chgd.to: General Fund (1901.01) Recoveries & Rebates

2,100 approp.to: General Fund (4302-3004.09) Prop.Maint.- 1241 N.Main St.

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

✓ Council Member Robinson offered a motion for a supplemental appropriation in amount of \$4,662.18, requested by the Parks & Recreation Director in order to transfer monies received from FEMA for Riven Rock Park Flood Damage of 1985, into the proper account, to be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 4,662.18 chgd.to: General Fund (1901.01) Recoveries & Rebates

4,662.18 approp.to: General Fund (7107-7011.00) Cap.Outlay- Work in Progress

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

✓ Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 55,000, requested by the Street Superintendent to cover operations at the Sanitary Landfill, due to insufficient funds, be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 55,000 chgd.to: Sanitation Fund - Unappropriated Fund Balance

38,370 approp.to: Sanitation Fund (3-1010.01) Other Personal Services

1,970 approp.to: Sanitation Fund (3-2005.01) Hospital & Accident Insurance

7,657 approp.to: Sanitation Fund (3-3004.01) Maint. Mach. & Equip.

400 approp.to: Sanitation Fund (3-3004.04) Maint. & Repl.- Buildings & Grounds

105 approp.to: Sanitation Fund (3-5200.01) Communications

3,000 approp.to: Sanitation Fund (3-5408.01) Gas, Lub, Tires, etc.

3,498 approp.to: Sanitation Fund (3-8001.01) Lease & Rental of Equip.

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

✓ Council Member Rhodes offered a motion for a supplemental appropriation in amount of \$ 43,510.95 requested by the Fire Chief in order to recover funds from an insurance company for collision and from the County for its share of cost for Dispatchers, to be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 43,510.95 chgd.to: General Fund (1901.01) Recoveries & Rebates

38,510.95 approp.to: General Fund (3201-1001.06) Dispatchers

2,000.00 approp.to: General Fund (3201-3004.03) Maint. & Repl.-Auto Equip.

2,000.00 approp.to: General Fund (3201-5200.01) Communications

1,000.00 approp.to: General Fund (3201-5400.01) Other Mat. & Supp.

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

✓ Council Member Robinson moved that a supplemental appropriation in amount of \$ 21,761.36, requested by the Street Superintendent, representing reimbursement from the Harrisonburg Redevelopment & Housing Authority for construction of Kelley Street Extension, be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 21,761.36 chgd.to: General Fund (1901.01) Recoveries & Rebates

21,761.36 approp.to: General Fund (4102-7012.00) St.Inspect.- Cap.Outlay- Work In Prog.

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

✓ Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 55,000, requested by the Street Superintendent, due to insufficient funds for snow & ice removal, be approved for second & final reading, a first reading having been approved on February 10th, and that:

\$ 55,000 chgd.to: General Fund - Unapprop. Fund Balance

55 000 approp.to: General Fund (4202-5804.01) Snow & Ice Removal

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

✓ Chief of Police Presgrave reminded Council that he had presented a letter last November concerning hunting in the annexed area, with indication that hunting be allowed, with a valid hunting license and permission form the landowner. Now that annexation is in the 5th year, with a good bit of additional land also purchased by the City, correspondence is being received from residents re hunting. He said it was felt that the matter should be brought to Council for further guidance. Vice-Mayor Dingledine offered an opinion that in view of high powered rifles, hunting should be prohibited.

Council Member Robinson concurred in prohibiting the use of high powered rifles, should hunting be permitted. City Attorney Thumma referred to the City Code, noting that it only prohibits the discharge of firearms on city streets, or in any place of public business or places of public gatherings. Following discussion, it was agreed that the Chief meet with the City Manager and City Attorney, for a better understanding of the City's Ordinance. Vice-Mayor Dingledine said that citizens need a "clear-cut" understanding, as well.

✓ Vice-Mayor Dingledine registered a complaint he had received from a resident of South Mason Street, concerning the number of large trucks using the street. Mayor Green noted that some trucks are coming off Cantrell Avenue and north on Mason Street, although he does not know why this is being done. He asked Police Chief Presgrave to look into the situation with regard to S. Mason Street, with a report on his finding at the next meeting of Council.

At 10:15 P.M., on motion of Council Member Robinson, seconded by Vice-Mayor Dingledine and a unanimous vote, Council entered an executive session to discuss legal and personnel matters.

At 11:20 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous vote of Council, the resignation of Mr. T. C. Frye as a member of the Harrisonburg Parking Authority, was accepted.

There being no further business, and on motion duly adopted, 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. 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 24th 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 February, 1987. (Suggestion by Vice-Mayor for future reports, under Transportation Section, to set out comparison of number of passengers using city buses during current month, and same month, prior year).

From the City Treasurer:

A Trial Balance report as of close of business on February 28, 1987.

From the Police Department:

A report of Fines & Costs, \$ 4,535.65; Cash collected from street parking meters, \$ 5,684.50; Total cash collect, paid on accounts and turned over to the City Treasurer for month of February, 1987, \$ 10,220.15.

From the City Auditor:

A financial report for month of February, 1987.

A report of cash discounts saved in payment of vendor's invoices for month of February, 1987, in amount of \$ 237.92.

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, 1987.

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 as advertised in the Daily News Record newspaper on February 27th and March 5th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 10, 1987, at 7:30 P.M. in the City Council Chambers, Municipal Bldg. to vacate the following lots and street.*

*1. Circle Drive, a 50' paper street from Sunrise Avenue to Maryland Avenue, a distance of 650'.*

*2. Lots 17 & 18, Block G, Page 23 of City Block Map.*

*All persons interested will have an opportunity to review this item and comment during this Public Hearing.*

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

Planning Director Sullivan called attention to the following Planning Commission report from its February 18th meeting, which had been presented to City Council on February 24th:

*"...Following a public hearing during which no objections were voiced, Mr. Hartman moved and Mr. Hughes seconded his motion to recommend vacating undeveloped Circle Drive, from Sunrise Avenue to Maryland Avenue, and Lots 17 & 18, Block G, Page 23 of City Block Map. This motion passed unanimously..."*

The Mayor called on anyone present in the Hearing, desiring to be heard, either for or against the street and lot vacations. Attorney Henry Clark presented a map, setting out the locations and noted the capability of the area being developed into a nice subdivision, with single family homes. He expressed a desire for the vacations to be approved, in order that the developer, Jerry Scripture, may proceed with subdivision plans. There being no others desiring to be heard, the Hearing was closed at 7:54 P.M. and the regular session reconvened.

Mayor Green asked members' wishes concerning the proposed vacation of Circle Drive, a 50' paper street from Sunrise to Maryland Avenues, and Lots 17 & 18, as discussed in this evening's public hearing. 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 7:55 P.M., Mayor Green closed the regular session temporarily and called the second 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 February 27th and March 5th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 10, 1987, at 7:30 p.m. in the City Council Chambers, Municipal Bldg., to vacate the following lots and streets:*

*Hill Top Farms Subdivision, all lots north of E. Washington Street, ext'd. that are in the City plus two 50' paper streets named East Park Drive and Woods Street.*

*All persons interested will have an opportunity to review the items and commend during this Public Hearing.*

CITY OF HARRISONBURG- Marvln B. Milam, City Manager

Planning Director Sullivan pointed out the location on a map, and called attention to the following Planning Commission report from its February 18th meeting which was presented to City Council on February 24th:

*"...Following the public hearing to consider vacating of all lots and streets north of E. Washington Street, Ext'd., in Hill Top Farms Subdivision, Mr. Rhodes moved and Mr. Heath seconded his motion for the Commission to recommend vacating of all lots within the City north of E. Washington Street, ext'd, plus undeveloped East Park Drive and Woods Street, as shown on the 1917 plat of Hill Top Farms Subdivision. The motion passed unanimously..."*

Mr. Sullivan noted that vacation of all aforementioned streets and lots would permit Mr. Kevin Leigh's plan to proceed, as far as review goes. The County has had the same request for vacation and rezoning. He said the Planning Commission, in its recommendation, felt that it would make sense to vacate the 1917 plat. Mayor Green called on anyone else present in the Hearing, desiring to be heard either for or gainst the request for vacation of lots and streets. Mr. J.R.Copper, CLS, reminded Council that a portion of East Park Drive was vacated at the time Stonefield Village Subdivision was approved. Mr. Leigh desires to eliminate the lot lines and streets, for the development to proceed. The County has tentatively denied the rezoning request in that it is unable to provide services in the area, and has tabled the request until some compromise can be reached. There being no others desiring to be heard, the Hearing was declared closed at 8:00 P.M. and the regular session reconvened.

The Mayor asked members' wishes concerning the request for vacation of various lots and streets in Hill Top Farms Subdivision. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous recorded vote of Council, the recommendation of the Planning Commission was approved.

Mr. Dana L. Armentrout, Fiscal Officer of the Shenandoah Valley Private Industry Council, appeared before Council for the purpose of presenting the annual Summary of Planned Operations in Service Delivery Area 4 under Title II-A of the Job Training Partnership Act, period July 1, 1987 - June 30, 1988. Mr. Armentrout noted that the Summary is presented each year to all participating jurisdictions, with request made for concurrence in activities as set out therein. Funding cuts in some categories are anticipated for the next fiscal year, with massive cut under Summer Youth Program. Following the presentation, Vice-Mayor Dingledine offered a motion for Harrisonburg City Council to concur in the Plan for 1987-88, with authorization for the City Manager to sign the provided form. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Mrs. Ruth Deskins, Coordinator of the Harrisonburg-Rockingham Chamber of Commerce Convention/Visitors' Bureau, Ms. Janet Wendelken, Executive Vice-President of the Chamber and Mr. William Groseclose, Chairman of the Convention/Visitors' Bureau, were present in the meeting to discuss plans by the Bureau toward bringing tourism into the City and County, which is the quickest method of increasing the economic base. The business community has paid cash of \$ 20,000 toward its contribution, and requests are now being made to Rockingham County and the City of Harrisonburg, for funding over a 3-year period, based on the percentage of travel-generated jobs created in the two jurisdictions during year 1985, as follows: Harrisonburg's Total Travel Expenditure, \$ 38,092,000 based on 72% of \$ 30,000, request of \$ 21,600; Rockingham County's Total Travel Expenditure, \$ 14,740,000 based on 28% of \$ 30,000, request of \$ 8,400. The representatives expressed excitement over bringing new people into the area via conventions, motor clubs, etc. Consideration of Council was asked for an annual contrub ition of \$ 21,600 each year for the next three years. Council Member Robinson, a member of the Convention/Visitors' Bureau Committee, offered his support, noting that approximately \$ 11,000 was brought into Howard Johnsons in 1985, through the efforts of a single individual. Mayor Green gave assurance that the request would be given consideration under the city's budget study for fiscal year 1987-88.

Correspondence was presented from Ms. Susan C. Peyton, Treasurer of the Harrisonburg Retail Merchants' Association, and Chairman of Fiddlers' and Bluegrass Competition. Request was made for the Association to hold its annual sidewalk sale on July 16, 17 & 18, 1987, with merchants placing merchandise for sale, on the sidewalks in downtown Harrisonburg. A second request was for permission to hold the second annual Fiddlers and Bluegrass Competition on Saturday, July 18th, with the south side of Court Square again blocked off from through traffic. It was noted that the competition will last from 9:00 a.m. until 5:00 p.m., and the event was extremely successful last year. Chief of Police Presgrave said that no problems had been encountered from blocking off South Court Square for the event, last year. Council Member Shank offered a motion for both requests of the Retail Merchants' Association, to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Correspondence was presented from Christa Gitchell Lucas, President of Gitchell's, Inc., located at 79 East Market Street, expressing concern about the parking situation for customers that are leaving or picking up film. Request was made for a drive-in window on the end of the Studio building which is on the corner of East Market and Federal Streets. It was noted that "if the city feels this would cause a problem, would it consider changing the 'No Parking Sign' to a '10 Minute Parking Sign?'" Photographs were presented, showing proposed location of a drive-in window. Council Member Rhodes said he had a problem with a window, in that cars would have to cut across the street to the north, but that he also felt that 10-Minute parking would be difficult to enforce. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council, the requests were

referred to the Harrisonburg Transportation Safety Commission for review and recommendation.

Mayor Green called members' attention to their copies of a letter he had received from Dr. C.M. G. Buttery, State Health Commissioner, expressing concern about the spreading of rabies, and requesting that this locality adopt an ordinance, as soon as possible, requiring cats to be immunized against the disease. The correspondence noted that Section 15.1-28.5 of the Code of Virginia, allows the governing body of any county, city or town to require by ordinance, "that all domestic cats be inoculated against rabies by a currently licensed veterinarian or by an animal technician certified pursuant to Section 54-786.3." Commissioner Buttery said that enactment of an ordinance in Harrisonburg had been discussed with Dr. Clifford Caplen, District Health Director, and that Dr. Caplen concurs in enactment of an ordinance, in order that the locality may be protected against transmission of this disease, by pets. A sample ordinance, adopted by Kent County, was submitted with the correspondence, for review. The Mayor offered an opinion that it is impossible to break up the spread of rabies, in that many cats are dumped into the area, and may be carriers of the disease. He asked City Attorney Thumma to investigate the possibility of a proposed ordinance through Animal Warden Cassidy, Police Chief Presgrave, the SPCA and any other information which has been provided, with presentation of a proposed ordinance at Council's next meeting, for consideration of a first reading.

City Manager Milam presented correspondence dated 3/6/87 from Mr. Martin Eby, requesting initiation of rezoning the balance of his farm located on the eastern side of North Liberty Street, within the City, from R-2 Residential to M-1 Industrial. He pointed out the location on a map, and noted that Mr. Eby has had a surveyor lay off the land in tracts, for the purpose of industrial development, if the City will formulate a street through his property, and make improvements to Liberty Street. In his correspondence, Mr. Eby expressed willingness to convey to the city, a 60' wide strip, beginning on Liberty Street directly across from Mt. Clinton Pike, Ext'd to the eastern end of his property where it adjoins the Ed Moore property. It would also entail dedication of a 60' strip which would connect the "northern loop" with a proposed street from Liberty Street in a westerly direction across the William Heatwole property to serve the proposed Japanese plant and North 42 traffic. Manager Milam noted that with the rezoning, the city would have 177 acres that could develop as an industrial park, and said that if agreeable, the Planning Commission can hold a public hearing on the rezoning request and submit its recommendation to Council. Proper alignment of the proposed street, will have to be worked out. Planning Director Sullivan said that the City will not advertise the entire 177 acres for rezoning, since a portion of same lies within the County. The City Engineer is currently working on a survey. Following discussion and on motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, the request was referred to the Planning Commission for a public hearing.

Correspondence was presented from Ms. Jane Moss, Festival Coordinator for the Virginia Poultry Federation, Inc., advising that plans are underway for the 17th annual Virginia Poultry Festival week to be held in Harrisonburg, May 8 - 17, 1987. Request was made for permission to erect a banner across Main Street the first part of May to advertise the Festival Parade and Fun Day on May 16th, with second request to again be permitted to issue permits for vendors to sell concessions on Parade Day. 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 the Commissioner of Revenue has stated no objection to issuance of vendors' permits by the Federation, which has been permitted over past years. Notification is given Harrisonburg Electric Commission of Council's approval, with request for a banner to be placed. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous vote of Council, both requests of the Virginia Poultry Federation, Inc., were approved.

Correspondence dated March 2, 1987 was presented from the Virginia Supplemental Retirement System, advising that the General Assembly has passed legislation to be effective March 1, 1987, making state employees and public school teachers eligible for unreduced retirement benefits under VSRS at age 55 with 30 years of service, with option for each political subdivision to allow the benefits for its employees. It has been concluded that subdivisions electing to provide the unreduced early benefits will not have an increase in the basic contribution rate, but any additional cost will be absorbed by extending the accrued liability amortization period. City Manager Milal noted that a form is provided for the signature of an official from this agency, noting its desire to provide or not provide the benefit. He said that the city would have approximately nine employees eligible to leave the city in 1987 (5 from the street dept. and 4 from the police dept.), with a much lesser number in the next few years, although it may not be necessarily true that all those eligible, will take early retirement. Police Chief Presgrave said he felt this would have no great impact on his department, but would be good for older employees on the job. Council Member Robinson offered a motion for the city to provide the unreduced early retirement benefit for its employees, with authorization for the Mayor to sign the form. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

City Attorney Thumma presented for consideration of a first reading, an ordinance enacting Section 16-6-41 of the City Code, entitled: "Discharge of Firearms within the City", which section was omitted from the current code book, when recodified, and approved in its entirety by Council. Closely related to the enacted section, a second ordinance amending and re-enacting Section 16-6-33 of the Code, entitled: "Reckless Handling of Firearms" was presented for consideration of a first reading. Attorney Thumma explained that the primary change in the section, Paragraph B, was to amend the present 5-year sentence for violation of the section, to "a period of one year to life." He noted that if Section 16-6-41 is added, it would make paragraphs B C & D of Section 16-6-33 not applicable in the city, with re to hunting with a firearm. When the Vice-Mayor asked if there would be any harm in keeping those paragraphs, Mayor Green offered an opinion that it may be a good idea for "down the road." Council Member Shank moved that the ordinance enacting Section 16-6-41 be approved for a first reading. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council. When Council Member Robinson raised a question concerning the absence of bow hunting in the second ordinance, Attorney Thumma pointed out that this was covered under Section 16-6-33 entitled "Gravel Shooters, Air Guns, Sling-Shots, etc." which includes any missile thrown device. Council Member Rhodes then offered a mot-on for the ordinance amending and re-enacting Sec. 16-6-41 to be approved for a first reading, with clarification set out concerning use of bows & arrows, etc. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

City Manager Milam presented for Council's consideration, a supplemental appropriation in amount of \$ 10,737.50. He explained that a request had been made by Rockingham Development Corporation,

about a year ago (fiscal year 1986-87) for a total amount of \$ 82,950. to be shared equally by Rockingham County and the City of Harrisonburg. At that time, the city approved an appropriation of \$ 10,000 which is in the current budget. Basing the request on a six month period, the city's share, or balance, is in the amount of this evening's request. He called attention to additional information which had been received from RDC last Friday, and made available to each member of Council this evening, setting out the fact that the Corporation has advertised the position of a Director, which cannot be pursued without assurance of adequate funding. When Council Member Robinson noted that he was not aware of a status report being received, as requested some time ago, Manager Milam said that Mr. Warren Denton, a representative of the City on the RDC Board, had talked with Mr. D.P. Davis, Jr. concerning Council's request for a report, and added that the current letter represents the only information received, to date. Council Member Shank said it was his understanding that a Director is necessary, in order to receive certification. Following discussion, Vice-Mayor Dingleline offered a motion for the appropriation to be approved for a first reading, with request for a status report from the Corporation, prior to a second & final reading at the next regular meeting, and that:

\$ 10,737.50 chgd.to: General Fund - Unappropriated Fund Balance  
10,737.50 approp.to: General Fund (9104-5605.08) RDC - Econ. Development

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

✓ A request was presented from the Director of Data Processing for approval of a supplemental appropriation in amount of \$ 2,000 in order to appropriate funds received from Loudoun County for surplus equipment. Council Member Shank moved that the appropriation be approved for a first reading, and that:

\$ 2,000 chgd.to: General Fund (1901.01) Recoveries & Rebates  
2,000 approp.to: General Fund (1220-7007.00) ADP Equipment

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

✓ City Manager Milam requested approval of a supplemental appropriation in amount of \$ 390.00 in order to appropriate monies received as refund for registration fees to the National League of Cities Conference, in that he and the City Auditor did not attend. On motion of Council Member Robinson, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the following was approved:

\$ 390.00 chgd.to: General Fund (1901.01) Recoveries & Rebates  
195.00 approp.to: General Fund (1201-5500.01) City Manager- Travel  
195.00 approp.to: General Fund (1207-5500.01) City Auditor- Travel

✓ Vice-Mayor Dingleline registered a complaint of a problem in the southwest area of the City concerning an improperly closed drain at Elmwood Drive and Maryland Avenue, when the street repaving was done by the city.

✓ Council discussed briefly a suggestion registered, concerning the need for a stop light at the intersection of South Dogwood Drive and West Market Street, noting the possibility of relocating the light from the intersection of Willow & Market Streets. On motion duly adopted, the matter was referred to the Harrisonburg Transportation Safety Commission for review and recommendation.

✓ With regard to a complaint registered at the last meeting of Council concerning the use of South Mason Street by heavy trucks, Chief of Police Presgrave reported that his department had made a study consisting of 18 hours, with a 6-hour survey during one particular day. Findings were that the vast majority of trucks using S.Mason Street are service trucks (i.e. city transit buses, fire trucks, trash trucks, etc.) He added the fact that South Mason Street has developed into an arterial street. Council Member Rhodes suggested consideration of some sign markings, in that some trucks, other than service trucks, may not be aware of the residential and hospital area.

At 9:47 P.M., on motion of Vice-Mayor Dingleline, seconded by Council Member Robinson and a unanimous vote, Council entered an executive session to discuss personnel and legal matters.

At 10:45 P.M., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ During discussion of appointments to various Boards & Commissions, it was noted that the first term of Mr. Jeffrey Nemoytin as a member of the Harrisonburg Parking Authority, had expired on November 28, 1986. Mayor Green asked members' wishes concerning an appointment. Council Member Robinson offered a motion for Mr. Nemoytin to be reappointed to the Authority for a second term of five (5) years, expiring November 28, 1991. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ Council's attention was called to the fact that Mr. Giles Stone's second term as a member of the Harrisonburg Parks & Recreation Commission had expired on December 31, 1986, representing Spotswood-East. Mayor Green asked members' wishes concerning an appointment. Vice-Mayor Dingleline offered a motion for Mr. Paul Cline, 715 Greenbriar Drive, Harrisonburg, to be appointed to a first term on the Commission of four (4) years, expiring December 31, 1990. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Mayor Green called attention to correspondence he had received from Dr. Christopher N. Sheap, submitting his resignation as a member of the Harrisonburg Welfare Board, effective March 1, 1987, in that he would be moving to Rockingham County. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the resignation was accepted, with regrets. A letter of appreciation will be sent Dr. Sheap for services he has rendered to the Board.

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

CLERK

MAYOR

Tuesday, March 24, 1987

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.; Vice-Mayor 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 Charles L. Shank.

Minutes of the regular meeting held on March 10th were approved as corrected.

Mrs. Linda R. Holsinger, owner of the Teenie Weenie Shop, was present in the meeting, as follow-up to her March 18th letter, to inform Council of a problem which she had encountered with Warner Cable Communications, Inc., in granting a cable hookup at her new location, 1530 Country Club Road. She noted that although the cable runs in front of her door, she has been going through a 3-week waiting period, and has now been told that it will cost \$ 139.50 for the connection. Mayor Green pointed out the fact that the Federal Government has removed cable control from localities, but said the matter would be looked into, in order to determine the problem.

Representatives of the JMU Student Legislative Action Committee, were present in the meeting to request the services of a Registrar on campus for registration of voters, 3 days in September and 3 days in March. Although the Registrar has been presented with a proposal on three occasions, with information also forwarded to the Mayor, a satisfactory response has not been received. City Manager Milam pointed out that the Registrar works for the Harrisonburg Electoral Board, with Board Members appointed by the court system. He said he does not feel that City Council can elect either the Registrar or Board to do anything, concerning voter registration, and suggested that the representatives contact Emily Long, Registrar, and set up a meeting with the Board, to discuss the request.

For information, City Manager Milam called attention to correspondence from the Virginia Supplemental Retirement System, acknowledging receipt of Harrisonburg's election to provide unreduced retirement benefits at age 55 with 30 years of service, effective March 1, 1987.

At 8:00 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 publicized in the Daily News Record newspaper on March 16, 1987:

*The City of Harrisonburg will hold a Public Hearing on March 24, 1987, at 7:30 p.m. at the Municipal Building, City Council Chambers, to solicit public input on local community development and housing needs and on the proposed application for Community Development Block Grant funding for the Ridgeville neighborhood improvement project.*

*Information on the amount of funding to be requested, the estimated amount to benefit low and moderate income persons, proposed activities, and plans to minimize displacement and provide displacement assistance as necessary, will be available.*

*State and Federal requirements mandate that one or more public hearings be held on local community development and housing needs and the proposed community development block grant application. This hearing will serve to meet that requirement. For additional information, contact Roger Baker, Assistant City Manager's Office, City Municipal Building, telephone 434-6776.*

*CITY OF HARRISONBURG- Roger D. Baker, Assistant City Manager*

Assistant City Manager Baker pointed out the location of Ridgeville on a map, noting that the area had been selected for an improvement project of water/sewer services, curb & gutter and street reconstruction, due to the fact that it meets the criteria for state funding application through the Department of Housing and Urban Development (HUD). The amount of \$ 700,000 is being requested toward the approximate \$1.5 million project, with local funds of \$ 751,943 (representing 52%) to be provided, and approximately \$ 296,000 of the local funds expended in the Ridgeville area, to date. Of the seventy-four households involved, approximately 67% are low and moderate income families, on which free utility connections are required by the state. Inasmuch as Ridgeville has been served via septic tanks, a sewer system is included in the improvement project, as well as a 12" water line and booster pumping station, in that less than 25% of the households, have city water service. Storm drainage, curb & gutter installation and street reconstruction are also proposed. City Manager Milam made reminder that the project was submitted two years ago, at which time it did not meet the criteria. Mr. Baker has done additional research, with information now in order for submitting an application for state funding. Mr. Baker offered an opinion that the project has a very good chance for approval. Mayor Green called on anyone else, present in the Hearing, desiring to be heard either for or against the project. There being none present, the Hearing was declared closed at 8:07 P.M. and the regular session reconvened.

City Manager Milam presented and read the following proposed Resolution for Council's consideration of approval:

*WHEREAS, the City of Harrisonburg wishes to apply for \$ 700,000 of Virginia Community Development Block Grant funds for the Ridgeville Neighborhood Improvement Project; and*

*WHEREAS, \$ 751,943 of local funds will be expended on this project, it is projected that storm drainage, street reconstruction and water and sewer improvements for 144 low/moderate income persons will result from the implementation of the project.*

*NOW, THEREFORE, BE IT RESOLVED that City Manager Marvin B. Milam, is hereby authorized to sign and submit the appropriate documents for submittal of this Virginia Community Development Block Grant application.*

*ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.*

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

Mayor Green asked members' wishes concerning the Resolution providing for an application for state funding. Vice-Mayor Dingledine 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 Rhodes, and adopted by a unanimous vote of Council Members present.

For consideration of second & final reading, City Attorney Thumma presented an ordinance amending and re-enacting Section 16-6-33 of the Harrisonburg City Code, entitled: "Reckless Handling of Firearms." The ordinance was approved for a first reading on March 10th, with primary change being that of setting out a sentence of one year to life, for violation of the section, which had provided for a 5-year period. 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 Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council Members present. (Ord. Bk L, page 86).

For consideration of second & final reading, City Attorney Thumma presented an ordinance enacting Section 16-6-41 of the Harrisonburg City Code, entitled: "Discharge of Firearms Within City." He made reminder that the section had been omitted, when the Code Book was recodified, and added that when the ordinance was approved for a first reading on March 10th, question was raised concerning use of bows and arrows, etc. Attorney Thumma called attention to wording of the ordinance, amended since the first reading, to include prohibiting the use of bows and arrows, crossbows, sling-shots, slung-shots, air rifles, BB guns, pellet guns, etc. or similar devices, except by any law enforcement officer or otherwise justified. Vice-Mayor Dingledine offered a motion for the ordinance, as amended and explained by the City Attorney, 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 Members present. (Ord. Bk L, page 85).

The following Planning Commission report from its March 18th meeting, was presented:

"...Mr. J. R. Copper presented a revised Final Plat of Skyline Subdivision, Section 1. He explained that proposed Lot 2, for Hechinger's Store, has been enlarged. The six lots will be developed commercially as Skyline Plaza Shopping Center, just south of Valley Mall on East Market Street. Mr. Sullivan asked for clarification of Parcels A & B "for dedication." Mr. Copper said this terminology was 'for legal purposes.' Mr. Neff said the developers will build 'Evelyn Byrd Avenue' where Parcels A & B appear on the plat, and easements for H.E.C. and the City's water line will be in the proposed 60' right-of-way of the future collector street. Mr. Milam added that the water line has not been relocated to the 60' future road, nor has H.E.C. moved its lines to the new location. Mr. Sullivan asked if the developer understood that he would be fully responsible for constructing an extra lane on East Market Street plus curb and guttering and cross-over improvements. Messrs. Neff and Copper assured the Director the developer will build these improvements.

Mr. Milam stated that the City doesn't need more than Parcels A & B to be constructed as public street at this time, regarding the proposed collector road extending off East Market Street. He concluded the discussion with a motion for the Commission to recommend approval of Skyline Subdivision, Section 1. Mr. Rhodes seconded the motion and all members present voted aye..."

Mr. Bill Neff informed Council that this is basically the same plan as that which Council was familiar with, about a year and a half ago. The developer is exercising an option on 8 acres of land where Hechinger's store will locate, and will install curb & gutter. The matter of parking, according to Mr. Neff, is still "up in the air" between the two owners, and Valley Mall desires to purchase additional land for expansion. He offered an opinion that the entire situation will be worked out. City Manager Milam pointed out the fact that Mr. Neff is giving the City a new 60' easement for a water line, which will be on grade. The property owners have agreed on a third line all the way through, and Mr. Neff will relocate his trailer sale lot across from Betts Road. Following discussion, Council Member Robinson offered a motion for the recommendation of the City Planning Commission to be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council Members present.

Council received the following report from a Planning Commission meeting held on March 18th:

"...Mr. J. R. Copper described a proposed Final Plat of Sounder Subdivision, Section 1. The two-lot subdivision will be on the north side of University Blvd. west of the Kroger Store. In addition to the two lots, land for future development of office condominiums is shown, but will not be subdivided at this time. The Director asked Mr. Copper if the owners are aware they will be responsible for constructing curb & guttering along University Boulevard and adding one lane to the street. Mr. Bill Neff explained what the owners desire to do with the site, and Mr. Copper said the owner will post a bond for the street work.

Mr. Rhodes moved and Mrs. Shapiro seconded his motion for the Commission to recommend approval of Sounder Subdivision, Section 1. All members present voted aye..."

Planning Director Sullivan pointed out location of the subdivision on a map, describing it as "raw or undeveloped" land in rear of Kroger Store. A group of dentists are developing this into two front parcels, with frontage on University Boulevard. Mr. Copper presented a Plan of Development which was submitted earlier to the Planning Commission, and said that eventually, the subdivision will be cut into seven lots, although tonight's request is for approval of Lots 1 and 2, with decision of Council, critical at this point in time. Approval is needed in order that footings and foundations may be placed, and in view of the fact that financing is presently being arranged to "go ahead with the project." Mr. Copper noted that a Subdivision Plan would be presented later for final review, but due to financing, etc. it was deemed necessary to bring Lots 1 and 2 before Council for consideration, at this time. Mr. Sullivan pointed out the fact that the two front parcels (each comprised of approximately 1 acre), could be sold for any form of commercial or industrial development, and said that those who are building the professional offices in the rear, should they wish control over the front lots, can sell to whomever they choose. This is a decision to be made in the private market. When Mayor Green asked if the street work would be done to city specifications, Mr. Copper replied in the affirmative. Following discussion, Council Member Robinson offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council Members present.

The following Planning Commission report from its March 18th meeting, was presented:

*"...The Commissioners studied a plat showing the Catherine Tolson Sub-division, consisting of two lots fronting on South Main Street just north of West Mosby Road. A dwelling occupies Lot 12 and McDonald's Restaurant occupies Lot 11. Attorney Brian Kearney stated the subdivision will allow Mrs. Tolson to officially record the property as two separate lots. No utilities or street improvements are necessary.*

*Mr. Rhodes moved and Mr. Milam seconded his motion, that the Commission recommend approval of the Catherine Tolson Subdivision. All members present voted aye..."*

Planning Director Sullivan called attention to the subdivision plat attached to the Commission's report, and noted no problem insofar as approval of the request. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, 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 March 18th meeting:

*"...The Commissioners studied a plat showing the resubdivision of Lot 29 in Section 9 of Holiday Hills, drawn by Surveyor David Lee Ingram. The odd-shaped lot, on the south side of Sumter Court, will be divided. Mr. and Mrs. Richard Hiett desire to add the south half to their residential property, and Mr. Barry Layman desires to add the north half to Lot 28 where he plans to build a house. Utilities and street are already in place.*

*Mr. Milam moved and Mr. Rhodes seconded his motion for the Commission to recommend approval of the resubdivision of Lot 29 in Section 9 of Holiday Hills Subdivision. All members present voted aye..."*

Planning Director Sullivan presented a sketch of the area, setting out proposed division of Lot 29, in color, showing the portion to be retained by the Hietts, in order to enlarge their single family home site, and the portion to be purchased by Mr. Layman for the purpose of constructing a new home, with the additional land making it a better lot. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the recommendation of the Planning Commission was approved.

The following Planning Commission report from its March 18th meeting, was presented:

*"...Mr. Craig Smith, owner of the Campus Condos student apartments on the southwest corner of South Main Street and Maryland Avenue, explained to the Commission that he has an option to purchase a 68' x 215' lot from T.C. Frye and Dan Neuberry and by eliminating the lot line, he will be able to construct a six-unit apartment building, with 5-bedrooms per unit. At present, he is adding three 5-bedroom apartment to his twelve-unit building which faces Maryland Avenue. His overall plan shows twenty-one apartments on a 42,924 square foot site, with 49 off-street parking spaces. Under existing R-3 zoning district regulations, he is permitted to build what his plan indicates.*

*Mr. Rhodes concluded a lengthy discussion of concerns expressed by Commissioners and the Director, with a motion to recommend vacating of the lot line. Mr. Milam seconded the motion which passed unanimously..."*

Planning Director Sullivan presented a plat setting out location of the property line proposed for vacation (between tax parcels 18(j)2 and 18(j)3). Mr. Craig Smith noted that the plan has been revised for 5-bedroom units, from the original 3-bedroom units, which resulted in a necessary change to increase dimensions of the building. It is essential for the line to be vacated, in order to accommodate the building, and if approved, the vacation will increase the parking area for students, with ten more slots made available. Mr. Smith pointed out the fact that one of the two entrances off South Main Street can be eliminated, with retention of the one entrance off Maryland Avenue. He added that the change to 5-bedroom units will not increase the number of students residing in the building, but will provide more privacy. Negotiations are presently underway with Southern Railway for a lease on land in rear of the property for additional parking, if needed. Mr. Sullivan asked if the parking area will be paved, and when. Mr. Smith replied that when they are financially in a position to pave the area, it will be done, and until the finished look is achieved, gravel will be placed and packed. Mr. Sullivan said that cars are being placed in every place possible at the present time, and that landscaping ties are being used as an abutment. He noted that although green areas are being provided, it will be very difficult for drivers to see these, after dark. Mayor Green said that the proposed parking area off Main, will pose a problem for fire trucks to enter, making it almost impossible to contain a fire, should it occur at the 3-story structure. He suggested that the matter be discussed with the Fire Chief, concerning positioning of the lines for parking. Vice-Mayor Dingleline observed, in looking at the plan, that the parking lot off Main could be moved slightly to the south, for straightening, and Mr. Smith agreed that this would be an important egress to the property. He added that the existing stucco house will be razed, to provide the parking area. Mayor Green asked Mr. Smith, Planning Director Sullivan and the City Manager to discuss the situation with the Fire Chief from the standpoint of safety. Following discussion, Vice-Mayor Dingleline offered a motion for the recommendation of the Planning Commission for vacation of the lot line, to be approved, with the contingency for the named individuals to meet and discuss the situation, not only from the standpoint of safety, but concerning congestion on South Main Street from the proposed entrance/exit. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

For consideration of a first reading, City Attorney Thurma presented an ordinance closing a 50' paper street between Sunrise Avenue and Maryland Avenue and the vacation of Lots 17 and 18, Block G, Page 23 of the City Block Map. City Manager Milam called attention to the attached plat and read the proposed ordinance, noting that the vacations had been approved, following Council's public hearing on March 10th. Vice-Mayor Dingleline 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.

City Attorney Thurma presented, for consideration of a first reading, an ordinance closing two 50' paper streets named East Park Drive and Wood Street and vacating all lots north of East Washington Street and located within the corporate limits of the City of Harrisonburg. City Manager Milam read

the proposed ordinance and made reminder that the vacations were approved, following Council's March 10th public hearing. When question was raised concerning omission of a plat, Attorney Thumma said he would amend the ordinance to include attachment of a plat, prior to a second & final reading. Vice-Mayor Dingleline offered a motion for the ordinance to be approved for a first reading, subject to receipt of the plat. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council Members present.

City Manager Milam called for continuance of discussion concerning rabies and immunization of cats from the disease, which discussion had begun at the March 10th meeting. City Attorney Thumma informed Council that he had met with Mr. Allen Gutshall, Supervisor of the Rockingham-Harrisonburg Health Department, about a week ago, with ordinances from the cities of Staunton and Waynesboro reviewed. About thirty localities in the state have adopted some type of ordinance and Attorney Thumma said he has requested a list of those localities. The statute, set up by legislation, allows an ordinance by localities for cats to be vaccinated against rabies. Inasmuch as the state does not allow for licensing of cats, Attorney Thumma offered an observation that the question should be cleared up in order that an ordinance may be enforceable. Although he can see no harm in presenting an ordinance, he said that the only way to enforce it would be through publicity. He offered an opinion that the Health Department should have gone before the General Assembly this past year, for some legislation. Attorney Thumma said he desires to review additional ordinances from other localities, prior to bringing a proposal to Council. Animal Warden Cassidy reported to Council with statistics relating to the number of animals picked up, animal bites, testing, cases of rabies, etc. in this area.

City Manager Milam presented, for Council's consideration of a second & final reading, a supplemental appropriation in amount of \$ 10,737.50 representing contribution to Rockingham Development Corporation toward employing a Director. Concerning a request for a status report from RDC, prior to a final reading of the appropriation, Manager Milam said he had been advised by the City's representatives on the Board that information received earlier from Mr. D.P.Davis, Jr., should serve as the required explanation, and that the need for a Director is urgent. Council Member Robinson offered a motion for the appropriation to be approved for second & final reading, and that:

\$ 10,737.50 chgd.to: General Fund- Unappropriated Fund Balance  
10,737.50 approp.to: General Fund- (9104-5605.08) RDC- Econ.Development

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

Council Member Robinson moved that a supplemental appropriation in amount of \$ 2,000, requested by the Data Processing Director in order to appropriate funds received from Loudoun County for surplus equipment, be approved for second & final reading, a first reading having been approved on March 10th, and that:

\$ 2,000 chgd.to: General Fund (1901.01) Recoveries & Rebates  
2,000 approp.to: General Fund (1220-7007.00) ADP Equipment

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

Ms. Elizabeth Knighton, Executive Director of the Harrisonburg-Rockingham Community Services Board, was present in the meeting for the purpose of presenting a proposal relating to real estate transactions to relieve space problems. She introduced Board Members, also present. The Director noted overcrowded conditions, with idea of the proposal being that of consolidating services. The desire is to combine three sites, with an approximate 4-mile distance between each facility, into one location, namely: (Pear Street Center, E. Weaver site and North Main Facility). She explained that the first option is to add on to the North Main Facility, in that the building located at 1241 North Main is owned by the city and leased by the Board. There is sufficient space for an addition to the rear of the building, and additional land could be purchased for additional parking. This arrangement would not require any additional appropriation from either the county or city. Through consolidation of the three sites, Ms. Knighton noted that the primary mission in providing mental health, mental retardation, and substance abuse services to local residents, could be better accomplished. Mayor Green suggested that the remainder of discussion pertaining to potential real estate transactions, be continued in executive session, later in this meeting.

Vice-Mayor Dingleline, a member of the Harrisonburg-Rockingham Bicentennial Commission, presented a framed certificate, recognizing Harrisonburg as a Virginia Bicentennial Community honoring the 200th anniversary of the United States Constitution. City Manager Milam was asked to find an appropriate place in the Municipal Building for displaying the Certificate.

Vice-Mayor Dingleline registered a complaint he had received from a resident on a street in the city that is afforded trash pickup on Mondays and Thursdays of each week, in that all holidays seem to fall on a Monday. Request was made either for more "runs" or another solution, in that he is paying the same refuse charge as other areas of the city, and receiving less service.

At 9:45 P.M., on motion duly adopted, Council entered an executive session to discuss real estate and personnel.

At 11:30 P.M., on motion adopted, the executive session was closed and the regular session reconvened.

Mayor Green reminded members of a vacancy which has been created on the Harrisonburg Parking Authority, through the resignation of Mr. T.C.Frye, and asked their wishes concerning an appointment. Council Member Rhodes offered a motion for Mr. Patrick C. Sweet of 488 S.Mason Street, Harrisonburg, to be appointed to fill the unexpired term to November 28, 1988. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council Members present.

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.

Tuesday, April 14, 1987

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 March 24th 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 March, 1987.

From the City Treasurer:

A Trial Balance Report as of close of business on March 31, 1987.

From the Police Department:

A report of Fines & Costs, \$ 4,289.00; Cash Collected from Street Parking Meters, \$ 6,621.75; Total Cash Collected, Paid on Accounts and Turned Over to City Treasurer for month of March, 1987, \$ 10,910.75.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for the month of March 1987, in total amount of \$ 254.12.

A Financial Report for month of March, 1987.

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, 1987.

City Manager Milam called attention to the 1987-88 Budget submitted by the Harrisonburg Electric Commission, and noted that submission no later than April 1st is a Code requirement.

City Manager Milam called attention to correspondence from Mr. Steven Bertsch, Sr., Director, Accounting Services, Warner Cable Communications, Inc., as well as Financial Information for the Year Ended December 31, 1986. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council, the report was accepted for information.

Correspondence was presented from Mr. W. W. Joseph, Jr., Owner of Westside Machine Shop, 111 Charles Street, requesting the closing of Madison Street between Charles and Clinton Streets. City Manager Milam noted that a check had been received, for processing the request. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the request was referred to the City Planning Commission for a public hearing and report to Council.

Mr. Taylor L. Howell, Manager of Virginia Employment Commission, was present in the meeting to present the Virginia Employment Commission Plan of Service for Delivery Area IV, 1987 Program Year. He reminded Council of a requirement for the Plan to be presented to each participating jurisdiction each year, seeking endorsement of proposed services, and said "this has been a good year." A new program known as Validity Generalization Testing was implemented some time ago, which involves the use of the General Aptitude Test Battery scores in referring applicants to employers' job orders. Following Mr. Howell's remarks, and having had an opportunity to review the program proposed for period July 1987 - June 1988 from copies made available by the City Manager prior to this meeting, Vice-Mayor Dingleline offered a motion for the Delivery Area IV Plan to be endorsed, with authorization for the Mayor to sign the signature page provided. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam presented the following proposed Resolution for Council's consideration of approval:

*WHEREAS, the Virginia Water Control Board is developing water supply plans for each river basin in the state; and*

*WHEREAS, the Virginia Water Control Board has developed a draft of the Shenandoah Water Supply Plan; and*

*WHEREAS, the City of Harrisonburg has had the opportunity to provide input and comments into the planning process through a local representative on an advisory committee; and*

*WHEREAS, the City of Harrisonburg does not agree, and has reservations about the general concepts present in the Plan for the City of Harrisonburg,*

*NOW, THEREFORE, BE IT RESOLVED that the City of Harrisonburg believes that the Plan should not be the sole guide for any water supply implementation program undertaken within the City of Harrisonburg, but should be used only to supplement data available at the time of any water supply implementation program, and*

*BE IT FURTHER RESOLVED that the City of Harrisonburg is opposed to any future Water Supply Relocation Program which would involve transporting of the water resources of the city to locations outside of the Shenandoah Valley.*

*ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.*

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

Assistant City Manager Baker informed Council that a review of the Final Draft of the Shenandoah Planning Area Water Supply Plan, with Water/Sewer Superintendent Yancey, had resulted in disagreement with the concept of the Plan in various areas, with wording of paragraph 4 setting out this reservation. He cited the following: (1) document states that the City of Harrisonburg plans to install a pipeline from Switzer Dam to Riven Rock Intake- (no plan at this time); (2) document states that Harrisonburg's potential capacity is 11/4 million gallons per day from Riven Rock, North River and Silver Lake- (only possible with additional capital outlay and construction of additional supply lines); (3) document projects no increase in growth at either JMU or EMC through year 2030; (4) document states that Harrisonburg, interconnected with Rockingham County at three places, can supply water to the southern part of the county, including the towns of Bridgewater and Dayton, as well as

part of the eastern portion of the county (impossible to project surplus in next 20 years); (5) document proposes that the Plan be used as a Guide (it is felt that the Document may serve as an aid for future implementation plan with other sources, but should not be used as sole guide). Mr. Baker noted that the plan is to reallocate water from one area to another, and said it was his opinion, as well as Mr. Yancey's opinion, that the city has sufficient water to serve Harrisonburg's needs, but both oppose water being transported to other areas of the state. Mr. Yancey reiterated the fact that the Document could be used as a supplement, but not as a Guide, and added that only two copies of the Document had been made available for the city's use. Mr. Baker informed Council that the Plan has to be presented at the annual meeting of the State Water Control Board, sometime in May or June. Vice-Mayor Dingleline offered a motion for the Resolution, prepared by the two city officials, to be approved, with authorization for Mayor Green to sign the same. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Mr. Rod Smith of Copper & Smith, CLS, was present in the meeting, representing Grace Covenant Church. He presented a drawing setting out location of a parcel of land on which a new church is proposed for construction, which lies entirely within Rockingham County, just west of Route 11 south (west of Holiday Inn). Request was made for a sewer connection by the City of Harrisonburg, in that the county has no way of providing sewer service to the site. The need is for a 6" sewer connection from the church, with an estimated need for 2,000 - 4,000 gallons per week. City Manager Milam asked how the flow would be measured, and Mr. Smith said that if permissible, the county water meter could be read to determine the sewer charge. When Manager Milam noted split services by the city and county, Mr. Smith said it would be impossible to pump city water at suitable pressure to serve the church. He added the fact that without a sewer connection, the project could not materialize. When Council Member Rhodes asked if the church had plans for future development, Pastor Blackwell reported no plans at the present time, but said that portions of the land surrounding the 66 church owned acres may be sold for future development. Following discussion, the City Manager was instructed to discuss the situation with City Staff, and bring in a recommendation.

On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council, the following Proclamation was approved, and signed by Mayor Green:

*WHEREAS, the City of Harrisonburg has received a State Grant for Litter Control; and*

*WHEREAS, it is the desire of the City to use this Grant to promote cleaning up private property and public rights-of-way within the City,*

*NOW, THEREFORE, I, Walter F. Green, 3rd, Mayor of the City of Harrisonburg, do hereby proclaim April 28th - May 2nd, 1987 as HARRISONBURG BEAUTIFICATION WEEK.*

For consideration of a second & final reading, an Ordinance was presented for the closing of a 50' paper street between Sunrise Avenue and Maryland Avenue and vacation of Lots 17 & 18, Block G, Page 23 of the City Block Map, which ordinance had been approved for a first reading on March 24th. On motion of Vice-Mayor Dingleline, seconded by Council Member Shank, 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. (Refer to Ord. Book L, page 87).

Council was reminded that an ordinance closing two 50' paper streets named East Park Drive and Wood Street, and vacating all lots north of East Washington Street and located within the corporate limits of the City, had been approved for a first reading on March 24th, subject to inclusion of a plat setting out areas to be vacated. City Manager Milam presented the ordinance as amended, with attached plat, noting all in order for final reading. On motion of Council Member Robinson, seconded by Council Member Shank, and a unanimous recorded vote of Council, the amended 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 88).

Request was received from Chief of Police Presgrave for approval of a supplemental appropriation in amount of \$ 1,603.37, in order to replace overtime wages with funds recovered from various sources. Council Member Robinson moved that the appropriation be approved for a first reading, and that:

\$ 1,603.37 chgd.to: General Fund (1901.01) Recoveries & Rebates  
1,603.37 approp.to: General Fund (3101-1001.07) Overtime

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

A request was presented from Street Superintendent James Baker for approval of a supplemental appropriation in amount of \$ 3,077.86, in order to place an overpayment on Note to J.I. Case Credit Corp., from account of Recoveries & Rebates, into proper account. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$ 3,077.86 chgd.to: General Fund (1901.01) Recoveries & Rebates  
3,077.86 approp.to: General Fund (4102-7001.00) St. Inspect.- Mach. & Equip.

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

City Manager Milam presented a request from the Superintendent of Streets for approval of a supplemental appropriation in amount of \$ 30,000 due to insufficient funds for snow & ice removal operations, which included purchase of salt, repairs to equipment and to replace personal services which were transferred to snow & ice budget. The appropriation would cover expenses incurred during storms in February, March and April, to date. Council Member Shank moved that the appropriation be approved for a first reading, and that:

\$ 30,000 chgd.to: General Fund- Unapprop. Fund Balance  
25,000 approp.to: General Fund (4202-1010.01) St. Cleaning- Other Pers. Serv.  
5,000 approp.to: General Fund (4202-1010.11) St. Cleaning-Other Pers. Serv. (NON-AL)

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

A request was presented from Transportation Director Reggie Smith for a supplemental appropriation in amount of \$ 35,000, in order to replace funds into proper account for payment of Fleet

Insurance and Taxi-Van Operators, due to the fact that the cost of insurance exceeded the budget appropriation for extra labor necessary during numerous snow days. City Manager Milam noted that the transaction would be a transfer of the amount from the General Fund Unappropriated Fund Balance into the Transportation Department's Unappropriated Fund Balance, and first reading of a supplemental appropriation in order to place the funds into the proper Transportation Accounts. Vice-Mayor Dingledine offered a motion for approval of a transfer of \$ 35,000 from the General Fund to the Transportation Fund, and that:

\$ 35,000 trans.from: General Fund - Unapprop. Fund Balance

35,000 trans. to: Transportation Fund - Unapprop. Fund Balance

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council. Council Member Robinson then offered a motion for approval of the supplemental appropriation in amount of \$ 35,000 for first reading, and that:

\$ 35,000 chgd.to: Transportation Fund- Unapprop. Fund Balance

12,000 approp.to: Transportation Fund- (1-5305.02) Fleet Insurance

7,000 approp.to: Transportation Fund- (2-5305.02) Fleet Insurance

5,000 approp.to: Transportation Fund- (3-5305.02) Fleet Insurance

11,000 approp.to: Transportation Fund- (3-1001.75) Taxi-Van Operators

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

City Manager Milam discussed with Council the Plan, which is underway with Phase I, by the Regional Sewer Authority, necessary to bring the plant into compliance with standards set out by the Environmental Protection Agency. He noted the possibility of a bond issue in order to meet the city's commitment of \$ 1.8 million toward the first phase of the project, in that it now understood that the city must begin its payments by June of this year when construction starts, rather than upon completion in 1988. He said that the increase placed on sewer rates last year, intended for use on the plant's expansion, has been needed, primarily because of the escalation in cost for the city's sewer operations. On suggestion of the Mayor, members agreed that representatives of the City on the Sewer Authority, be invited to the next regular meeting of Council on April 28th, to report on the expansion project.

For information, City Attorney Thumma presented a Circuit Court Order dated March 25, 1987, whereby Thomas J. Wilson, III, Irvin C. Lee, Robert L. Brumback and J.Nelson Liskey, were appointed to comprise a Board of Equalization for a six month period, expiring June 30, 1987.

Council Member Robinson registered a second request for a street light at Keister School location.

Council Member Rhodes registered complaints of problems with permit parking, particularly in the Hillcrest Area, with suggestion for color coding for the various areas under permit parking.

Council Member Rhodes noted the need for handicapped parking spaces to be made available in the area of Harrison Street and the Medical Arts.

At 9:17 P.M., on motion of Council Member Shank, seconded by Vice-Mayor Dingledine and a unanimous vote, Council entered an executive session to discuss real estate and legal matters.

At 11:07 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, April 28, 1987

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 April 10th were approved, as read.

Mr. Curtis Poe, Executive Director of the Harrisonburg-Rockingham Regional Sewer Authority, and Harrisonburg's representatives on the Authority, were present in the meeting concerning the plant expansion project, on invitation of Council. City Manager Milam called Council Members' attention to their copies of an excerpt from the regular meeting of Council held on March 25, 1986 which had been made available, as well as correspondence from Mr. Poe, received yesterday, including a report setting out Cost Sharing Recommendations for the participating jurisdictions. Mr. Poe noted from the report, total project cost of \$ 2,861,000, including Construction Bid of \$ 2,196,084., 5% Contingency \$ 109,816., Subsurface Grouting, \$ 350,000 and Engineering/Inspection/Legal, \$ 205,000. Of the total Construction Bid (English Construction Co.), items relative to all jurisdictions (Harrisonburg, Dayton, Bridgewater, Rockingham County and Mt. Crawford), in amount of \$ 462,500, will be paid with surplus grant funds held by the Authority, with the remaining balance for items relating to future capacity, to be shared by Harrisonburg, Dayton and Bridgewater, based on percentage of debt services paid. The report sets out reallocation capacity as follows: 2 million gallons per day for Rockingham County and 80,000 gallons per day for Mt. Crawford (no increase by reason of permit changes), with proportionate costs to be paid, if either desire additional capacity in the future; all capacity above 2,080,000 gallons per day (whether current capacity or by reason of permit changes) to be shared by the three jurisdictions as follows: Harrisonburg, 76.49%, Bridgewater, 8.06% and Dayton, 15.45%. The project will be done in phases, in order to bring the plant into compliance with standards of the Environmental Protection Agency. Four bids were received, ranging from just under \$ 2.2 million to \$ 2.4 million, with low bid submitted by English Construction Company. Mr. Poe noted that additional capacity, possible under Phase II, is unknown at this time, with reply anticipated from the State Water Control

Board within a 6 - 9 month period, following its receipt of information which will be forwarded by the Authority. The Authority is working on a "tight schedule" for completion of the project by July 1, 1988, with plant in operation. Request was made for Council to acknowledge its allocation and accept terms for cost sharing as set out in the Authority's report, in order that the Service Contract may be amended, and project proceed. When City Manager Milam called attention to the increase in Harrisonburg's commitment of March 1986 for \$ 1,445,440 representing 60.01% of the total project cost, to \$ 1,834,445 representing 76.49% under the present cost sharing recommendation of the Authority, Mr. Poe said that Harrisonburg's amount of flow and debt service has increased. In reply to a second question by Manager Milam of whether the bulk of money had been paid by Harrisonburg, Mr. Poe replied in the affirmative, adding the fact that the City would receive its share of benefit. Manager Milam questioned whether or not the Authority had discussed its own bond issue for the project, should the city desire for this route to be taken, he was advised that it had been discussed over a year ago, with the Authority's Attorney, and all involved, agreeing that there would be a saving on the total project, if funds were "run through budgets of the participating localities." Council Member Robinson questioned further expansion of the plant, and Mr. Poe replied that this may be necessitated sometime in the future, by the addition of some large industrial facility. A 4 million gallon per day increase may be realized under the present project, from the present 8 million gpd capacity to 12 million gpd. Council Member Robinson then questioned time scheduling of the project and was advised, 6 months for design work and 15 - 18 months for actual construction. When Mayor Green asked if Massanetta Springs was the only unmetered location, Mr. John Driver, a representative of Harrisonburg on the Authority, pointed out that Lakewood is also unmetered, with water "forced through pump house." Rockingham County has been given a specified time to place sewer meters at some locations, including Massanetta Springs. He made reminder that Harrisonburg is paying on volume only, while the other jurisdictions are also paying on BOD. He suggested that an increase could be placed on industries, which would bring in additional revenue. Although there is no record of amount paid by each locality, Mr. Driver said it was felt that the only fair way, would be for the Authority to spend some surplus funds toward the project, according to the benefit that would be derived by each participant. A balance of \$ 200,000 - \$ 300,000 will remain in the Authority's account, after paying into the expansion project. City Manager Milam said he would like for Rockingham County to "come on board" and pay its share of project cost, in that for the past ten years, it has participated in the Authority through payment of 25% of initial plant construction, rather than a share of operating cost. He suggested that this provision be added in the agreement, and Mr. Driver said this could be done. Following the lengthy discussion, Vice-Mayor Dingledine offered a motion for Council to authorize the city's share of cost increase from \$ 1.4 million to \$ 1.8 million. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ Council received the following Planning Commission report from its meeting of April 15th:

*"...Attorney Larry Hoover, Jr. described a map illustrating the Martin Eby Farm, located on the east side of North Liberty Street, north of Charles Street. He noted that Surveyor R.E. Funk has added lines to indicate future rights-of-way for new streets. The map also indicates various sized parcels for industrial development, if rezoned. Approximately 100 acres are proposed for rezoning from R-2 Residential to M-1 Industrial. Chairman Trobaugh asked why the request has been made. Mr. Eby stated he has had some inquiries from industrial and commercial developers. Rockingham Development Corporation has listed the farm as available for industries, and the land along the west side of North Liberty Street is zoned M-1 Industrial.*

*Mr. Russell Curro, 1570 North Liberty Street, stated that he supports the rezoning of Mr. Eby's land, plus the 1/2 acre he owns which is surrounded by the Eby property.*

*Mrs. Agnes Weaver, 241 Campbell Street, asked how this proposed change will affect the streets in the area. Will they have to be widened? Mr. Hoover stated that extension of Mt. Clinton Pike across the Eby farm will be a 'joint venture' involving the city, state and developers of the site. Mr. Milam reported that the City will encourage trucks to use Exit 65 of Interstate 81 and use Route 11, North Main and Charles Streets as main routes to and from the northern industrial sites. Extension of Mt. Clinton Pike will obviously help and is part of the City's Major Thoroughfare Plan. He asked Mr. Eby if he is willing to give the city at least a 10' strip of land along the east side of North Liberty Street, plus the 60' rights-of-way across his farm as shown on Mr. Funk's map. Mr. Eby said he is willing to.*

*The Director reviewed the City's Land Use Plan, pointing out that adding 100 acres to industrial uses will increase industrial land in the annexed territory to 1,430 acres, or 22% of the new territory. At present, 21% is categorized industrial.*

*Mr. Heath concluded the discussion with a motion for the Commission to recommend rezoning 100 acres of the Martin Eby Farm, plus Mr. Curro's 1/2 acre, from R-2 Residential to M-1 Industrial, subject to Mr. Eby's agreement to donate a 10' strip of land as shown on Mr. Funk's map. In addition, the City's Land Use Plan is recommended for amendment to reflect the 100 acre industrial designation. Mr. Hartman seconded the motion and all members voted aye..."*

City Manager Milam suggested a June public hearing on the rezoning issue, in order to allow time for the City to negotiate with Mr. Eby concerning the 60' rights-of-way. Council Member Rhodes moved that the Planning Commission report be accepted, with public hearing scheduled for Tuesday, June 9th, 7:30 P.M. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ The following Planning Commission report from its April 15th meeting, was presented:

*"...The Director described a plat drawn by Surveyor Robert Jellum, showing Mr. Albert J. Donovan's 26,988 square foot triangular lot on the east side of Reservoir Street in the Ridgeville neighborhood. Mr. Donovan proposed to divide the property into two lots, in order to give proposed Lot 1 to his daughter. The plat shows Reservoir Street as a 50' street. This reflects the recent purchase of right-of-way needed for widening the street. A 25' sewer easement crosses the property, but dwellings can be built on both lots and still meet*

*minimum setback regulations.*

*Mr. Hughes moved for the Commission to recommend approval of the Albert Donovan Subdivision. Mrs. Shapiro seconded the motion and all members voted aye..."*

Planning Director Sullivan called attention to the plat attached to the Commission's report, and noted ample room for a dwelling on Lot 2, as well as Lot 1. 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 its April 15th meeting, was presented:

*"...Mr. Jerry Brunk, engineer representing Michael Brothers, described the 99-lot single family layout situated southeast of Greendale Road. He explained changes which have been made since the Commission and staff reviewed a preliminary plan in January. The re-design of street and lot layout has eliminated some sharp curves and steep grades. Mr. Brunk asked the Commissioners to consider granting three variances where street grades will be 12%. Two of these grades are on Horseshoe Lane and one on Bridle Court. All proposed lots are over 10,000 square feet in area, with most located in wooded territory. The staff has endorsed the changes as presented by Mr. Brunk on the proposed Final Plan.*

*Mr. Rhodes moved that the Commission recommend approval of the Final Plan for Greendale Subdivision, including variances for the 12% grades at three locations. Mr. Hughes seconded the motion which passed unanimously..."*

Planning Director Sullivan called attention to the fact that the recommendation of the Commission includes variances at three locations for street grades. When Council Member Robinson asked the price range for structures, he was informed that they would range from \$ 59,000 - \$ 70,000, which is not considered low-moderate income. Council Member Shank offered a motion for the Commission's recommendation to be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 1,603.37, requested by the Police Chief in order to replace overtime wages with funds recovered from various sources, be approved for second & final reading, a first reading having been approved on April 14th, and that:

\$ 1,603.37 chgd.to: General Fund (1901.01) Recoveries & Rebates

1,603.37 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 Member Robinson moved that a supplemental appropriation in amount of \$ 3,077.86, requested by the Street Superintendent in order to place an overpayment on a Note, into proper account, be approved for second & final reading, a first reading having been approved on April 14th, and that:

\$ 3,077.86 chgd.to: General Fund (1901.01) Recoveries & Rebates

3,077.86 approp.to: General Fund (4102-7001.00) St.Inspect.- Mach. & Equip.

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

Council Member Shank moved that a supplemental appropriation in amount of \$ 30,000, requested by the Street Superintendent, due to insufficient funds for snow & ice removal operations, be approved for second & final reading, a first reading having been approved on April 14th, and that:

\$ 30,000 chgd.to: General Fund - Unapprop. Fund Balance

25,000 approp.to: General Fund (4202-1010.01) St.Cleaning- Other Pers. Services

5,000 approp.to: General Fund (4202-1010.11) St.Cleaning- Other Pers.Serv. (NON-AL)

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

Council Member Robinson moved that a supplemental appropriation in amount of \$ 35,000, requested by the Director of Transportation in order to replace funds into proper accounts for payment of Fleet Insurance and Taxi-Van Operators, be approved for second & final reading, a first reading having been approved on April 14th, and that:

\$ 35,000 chgd.to: Transportation Fund- Unappropriated Fund Balance

12,000 approp.to: Transportation Fund (1-5305.02) Fleet Insurance

7,000 approp.to: Transportation Fund (2-5305.02) Fleet Insurance

5,000 approp.to: Transportation Fund (3-5303.02) Fleet Insurance

11,000 approp.to: Transportation Fund (3-1001.75) Taxi-Van Operators

The motion was seconded by Council Member Shank, 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 \$ 47,645.75 in order to recover funds from the County of Rockingham for its share for Dispatchers, from the Department of Health, and from share of funds collected through State Vehicle Registration for Emergency Medical Services in Fiscal Year 1986. The transaction would place the recovered funds into proper accounts. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$ 47,645.75 chgd.to: General Fund (1901.01) Recoveries & Rebates

39,375.00 approp.to: General Fund (3201-1001.06) Dispatchers

2,100.00 approp.to: General Fund (3201-3004.03) Maint. & Rep.-Auto Equip.

2,500.00 approp.to: General Fund (3201-5200.01) Communications

3,670.00 approp.to: General Fund (3505-5413.01) Other Oper.Expenses

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

City Manager Milam called attention to Agenda Item No. 9, Executive Session requested with School Board to discuss a real estate matter.

On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote, Council entered an executive session at 9:00 P.M. with the School Superintendent and Board Members.

At 11:40 PM, 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, May 12, 1987

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. Dingledine, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; Chief of Police Richard W. Presgrave. Absent: City Auditor Philip L. Peterman- (sitting in for the Auditor, Mrs. Gloria Olivas, Deputy City Auditor).

Minutes of the regular meeting held on April 28th 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 April, 1987.

From the City Treasurer:

A Trial Balance report as of close of business on April 30, 1987.

From the Police Department:

A report of fines & costs, \$ 3,147.50; Cash collected from street parking meters, \$ 7,116.59; Total cash collected, paid on accounts and turned over to City Treasurer, \$ 10,264.09, for month of April, 1987.

From the City Auditor:

A Financial Report for the City of Harrisonburg, month of April, 1987.

A report of cash discounts saved in payment of vendor's invoices for month of April, 1987, totaling \$ 783.48.

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, 1987.

Mr. Gerome Prey, owner of property on Norwood Street near the fill area, was present in the meeting to register a complaint of water standing in Norwood Street, following heavy rainfalls. Inasmuch as water stands in front of his apartments from run-off from apartments to the west, Mr. Prey noted that traffic is hampered because of the 1-way situation on Hawkins & Norwood Streets. City Manager Milam said that development moved into the area, prior to the city carrying through on its work with regard to water problems, and that although request had been for \$ 250,000 toward the project, approximately \$ 120,000 has been made available in the proposed 1987-88 budget. Chief of Police Presgrave reminded Council that in 1982, Hawkins Street was made 1-way (north) and Norwood Street, 1-way (south), which worked well in permitting parking on the north side of Hawkins, until recent heavy rainfalls have resulted in street flooding. He noted one passing comment he had received, that Hawkins & Norwood should be change back to the 2-way pattern. Mayor Green said the matter would be looked into.

Assistant City Manager Baker informed Council that he had met with the Regional Engineer, City Engineer and Street Superintendent, concerning reconstruction of the Liberty & Wolfe Street bridges, and that prior to receiving bids, a detour proposal must be provided for, during the reconstruction. He noted that the two projects are being combined, in order that the City may receive "better" funding. Bids will be opened on June 22nd, with a report to Council, hopefully, at its June 23rd meeting, and awarding of a contract by July 1st. He explained and traced the proposed detour routes for traffic, and said it may be as late as November before the projects are completed. Council Member Rhodes offered a motion for the proposed method of detouring traffic in the area of the reconstruction projects, to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

For consideration of a first reading, City Manager Milam presented a proposed ordinance amending the Purchasing & Contracting Policy Manual which was adopted in 1983 as a result of the Procurement Act becoming effective in January of that year, as follows:

*Article A- Sec. 4-3-6 "Definitions" (3) Nominal Value -- changing sum from \$100. to \$ 300.*

*Article G- Sec. 4-3-44 (a) Small Purchases - adding the following phrases:*

*"or the Purchasing Agent shall, at his option, obtain either verbal or written price quotations from at least two suppliers, which price quotations may be used in lieu of current price lists filed in the office of the purchasing agent..." and "...or verbal or written quotations..."*

He explained that the amendment was prompted by the filing of a suit against the City by a local oil company for purchase of gas, oil, etc., which suit was won by the city. He noted that annually, the city takes bids in June for such purchases, and awards a contract for the entire year, although prices are not fixed. The amendment would provide for purchases under \$ 10,000 to be made through a telephone survey with contract awarded the low bidder, rather than going through the bid process. Vice-Mayor Dingledine moved that the ordinances 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 Robinson, and adopted by a unanimous recorded vote of Council.

City Manager Milam presented and read the following report from the Harrisonburg Transportation Safety Commission, from its meeting held on April 21st:

*PAUL STREET AND CANTRELL AVENUE: Discussion of this intersection involved a variety of topics, including the traffic count and observation made by Ralph Smith; an accident report compiled by Chief Presgrave; and the development of a new subdivision just north of the intersection on Cantrell Avenue. In view of all of these factors, Secretary Tamkin motioned that the Commission recommend to City Council that a traffic control light be installed with sufficient pavement on either side of the light for four lanes of traffic on Cantrell Ave. at the intersection, and that the remainder of Cantrell Avenue from the crest of the hill at Rockingham Memorial Hospital to Reservoir Street be widened to four lanes as soon after installation of the light as traffic, development, and finances deemed possible. The motion was seconded by Julius Ritchie and passed by a unanimous vote of the Commission.*

Council Member Rhodes, a member of the Transportation Safety Commission, noted that the recommendation was a result of studies which had been made over the past two years at the intersection, with urgency

for consideration of four lanes, expressed by commissioners. Vice-Mayor Dingleline offered a motion for the recommendation of the Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ The following report was presented and read, from a meeting of the Harrisonburg Transportation Safety Commission held on April 21st"

*A second extract from Council which Chairman Rhodes introduced, concerned a request by Christa Gitchell Lucas, President of Gitchell's Inc., to install a drive-in window on the end of their studio building or to have the 'No parking' sign changed to a '10 Minute' parking sign. During the Commission's discussion, it was noted that the installation of a drive-in window would necessarily interfere with the use of the public sidewalk and that '10 Minute' parking zones are extremely difficult to enforce. Not only because of the liability involved with the use of the public sidewalk, but also because private businesses cannot interfere with the use of public sidewalks for their own financial gain.*

*Secretary Tamkin motioned that the Commission recommend to Council that Ms. Lucas' requests for a drive-in window or a '10 Minute' parking zone, both be denied. Nelson Fitzwater seconded the motion which passed unanimously by all commission members, except Chief Presgrave, who abstained from voting.*

Council Member Shank offered a motion for the recommendation of the Transportation Safety Commission, denying the two requests, to be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

✓ Council Member Robinson offered a motion for a supplemental appropriation in amount of \$47,645.75, requested by the Fire Chief in order to recover funds from various sources in Fiscal Year 1986, to be approved for second & final reading, a first reading having been approved on April 28th, and that:

\$ 47,645.75 chgd.to: General Fund (1901.01) Recoveries & Rebates  
 39,375.75 approp.to: General Fund (3201-1001.06) Dispatchers  
 2,100.00 approp.to: General Fund (3201-3004.03) Maint. & Repairs- Auto Equip.  
 2,500.00 approp.to: General Fund (3201-200.01) Communications  
 3,670.00 approp.to: General Fund (3505-5413.01) Other Oper. Expenses

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

✓ Council received a request from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 1,606.68, in order to transfer funds received through various sources, toward purchase of new police vehicles. Following a brief review of the source of funds, Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

\$ 1,606.68 chgd.to: General Fund (1901.01) Recoveries & Rebates  
 1,606.68 approp.to: General Fund (3101-7005.00) Motor Vehicles & Equip.

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

✓ A request was presented from Street Superintendent James Baker for approval of a supplemental appropriation in amount of \$ 9,712.86, in order to recover funds from Auction of used equipment, for equipment replacement. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 9,712.86 chgd. to: General Fund (1901.01) Recoveries & Rebates  
 9,712.86 approp.to: General Fund (4202-7001.00) St.Cleaning- Mach. & Equip.

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

✓ A request was presented from Commissioner of Revenue Victor Smith, for approval of a transfer of funds in amount of \$ 30,000, representing funds left over from the 1986 General Reassessment, to purchase software and other equipment needed in his office for programming real estate records. City Manager Milam made reminder that Council had, on February 10th, approved use of the funds for purpose requested, noting that a portion of the amount will be reimbursed by the state. Council Member Rhodes moved that the transfer be approved, and that:

\$ 18,000 trans.from: General Fund (1210-1010.01) Bd.of Real Estate Assessors-Salaried Emp.  
 6,000 trans.from: General Fund (1210-3002.02) Bd.of Real Estate Assessors- Prof.Serv.  
 6,000 trans.from: General Fund (1210-5500.01) Bd.of Real Estate Assessors- Travel  
 30,000 trans.to: General Fund (1209-7007.00) Comm.of Revenue- Cap.Outlay- ADA Equip.

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

✓ In a brief discussion of appointments to various Boards & Commissions, it was noted that first terms of two School Board Members will expire on June 30th. Inasmuch as Section 22.1-29.1 of the Code of Virginia requires that public hearings be held prior to any School Board appointments, it was agreed that Tuesday, June 9th, 7:30 p.m. be scheduled as a public hearing date for this purpose. The City Manager was instructed to properly publicize the Hearing.

✓ City Manager Milam called members' attention to their copies of the proposed Appropriation Ordinance for the City's 1987-88 Budget, balanced in gross amount of \$ 46,174,744. He requested approval of the Ordinance for a first reading, as well as authorization to publish a synopsis of the Budget in the Daily News Record newspaper, along with public hearing date for Tuesday, May 26th, 7:30 P.M. He further requested authorization to publicize a second public hearing for Tuesday, May 26th, concerning the tax rate, in that the general assessment resulted in an increase of 11.42% in real estate values. Manager Milam presented and read his Budget Message, noting that balancing of the Budget had been accomplished with the existing \$0.72 real estate and \$1.50 Personal Property Tax rates, and other existing tax revenues (i.e. sales taxes, business licenses, hotel and motel room taxes, restaurant food taxes, etc.). He reviewed the Appropriation Ordinance, in its entirety, concerning proposed appropriations to the various funds and city departments, noting decrease or increase from the present fiscal year. Attention was called to contributions which the city provides for 25 joint projects. The Budget provides for a recommended 3% cost of living salary increase for city employees, with an allowance of 4% granted for each department for merit increases. Following the review, Manager Milam requested authority to publicize the public hearing date for retaining the present tax rate of \$ 0.72 which, because of the general reassessment, will increase the effective tax rate by \$0.073 from \$0.647 to \$ 0.72, as well as authorization to publish a synopsis of the Budget and Notice of public hearing for May 26th, on the proposed 1987-88 City Budget. Council Member Rhodes

offered a motion for the City Manager to be authorized to publicize notice of a public hearing for Tuesday, May 26th, 7:30 P.M., amending the effective tax rate from \$ 0.647 to \$ 0.72. The motion was seconded by Council Member Shank and adopted by a unanimous vote of Council. Vice-Mayor Dingleline then 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 proposed Budget in the Daily News Record newspaper, along with public hearing date for Tuesday, May 26th, 7:30 P.M. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

Vice-Mayor Dingleline registered a complaint he had received concerning a house situate on North Dogwood Drive and Green Street, from the standpoint of noise, drinking, etc. Mayor Green reminded members that complaints had been received prior to this time, with matter discussed, and asked Chief Presgrave to look into the situation.

From complaints registered concerning cruising in the area of Carlton Street and parking of cars on business lots in that area, resulting in harrassment of customers going to and from business establishments, the Mayor asked Police Chief Presgrave to discuss with the City Manager, what steps may be taken to relieve the situation.

At 9:10 P.M., on motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote, Council entered an executive session to discuss real estate and legal matters.

At 11:00 P.M., on motion 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  
O F   T H E   C I T Y   O F   H A R R I S O N B U R G ,   V I R G I N I A

For the Fiscal Year Ending June 30, 1988

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1988. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENT; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

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

SECTION I GENERAL FUND

That the following sums of money be and the same hereby are appropriated for the general government purposes herein specified for the fiscal year ending June 30, 1988:

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-four thousand, seven hundred ninety-five dollars and no cents (\$64,795.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 35,070.00
(2) Other Operating Expenses	27,125.00
(3) Capital Outlay	2,600.00

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 ninety-two thousand, six hundred sixty-nine dollars and no cents (\$92,669.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 76,465.00
(2) Other Operating Expenses	13,204.00
(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 and Financial Administration, the sum of seventeen thousand, six hundred dollars and no cents (\$17,600.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 16,500.00
(2) Other Operating Expenses	1,100.00

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 forty-six thousand, five hundred two dollars and no cents (\$146,502.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$114,652.00
(2) Other Operating Expenses	28,100.00
(3) Capital Outlay	3,750.00

Paragraph Five - Independent Auditor (1208)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of thirteen thousand, eight hundred sixty-five dollars and no cents (\$13,865.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 13,865.00
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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 ninety-four thousand, one hundred ninety-one dollars and no cents (\$194,191.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$156,641.00
(2) Other Operating Expenses	25,550.00
(3) Capital Outlay	12,000.00

Paragraph Seven - Board of Equalization (1211)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of six thousand dollars and no cents (\$6,000.00) is appropriated from the General Fund to be apportioned as follows:

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

Paragraph Eight - 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 fifty-eight thousand, four hundred three dollars and no cents (\$158,403.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Service	\$121,753.00
(2) Other Operating Expenses	33,650.00
(3) Capital Outlay	3,000.00

Paragraph Nine - Retirement Board (1217)

For the current expenses and contributions of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of one million, forty-one thousand, four hundred sixty-four dollars and no cents (\$1,041,464.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees	\$1,041,464.00
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Paragraph Ten - Data Processing (1220)

For the current expenses and capital outlay of the DATA PROCESSING, a division of the General and Financial Administration, the sum of two hundred three thousand, three hundred eighty-three dollars and no cents (\$203,383.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$102,633.00
(2) Other Operating Expenses	62,750.00
(3) Capital Outlay	38,000.00

Paragraph Eleven - 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 eighty thousand dollar and no cents (\$80,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 67,261.00
(2) Other Operating Expenses	9,739.00
(3) Capital Outlay	3,000.00

Paragraph Twelve - Delinquent Tax Collector (1224)

For the current expenses of the DELINQUENT TAX COLLECTOR, a division of the General and Financial Administration, the sum of eleven thousand dollars and no cents (\$11,000.00) is appropriated from the General Fund to be apportioned as follows:

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

Paragraph Thirteen - Electoral Board and Officials (1201)

For the current expenses and capital outlay of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of forty-six thousand, fifty-seven dollars and no cents (\$46,057.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 37,882.00
(2) Other Operating Expenses	7,175.00
(3) Capital Outlay	1,000.00

Paragraph Fourteen - 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 thirteen thousand, five hundred dollars and no cents (\$13,500.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 10,900.00
(2) Capital Outlay	2,600.00

Paragraph Fifteen - 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 Sixteen - 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 Seventeen - 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, two hundred fifty-four thousand, four hundred eighty dollars and no cents (\$1,254,480.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 949,277.00
(2) Other Operating Expenses	195,603.00
(3) Capital Outlay	109,600.00

Paragraph Eighteen - 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 nine hundred thirty-six thousand, seven hundred forty-nine dollars and no cents (\$936,749.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 699,660.00
(2) Other Operating Expenses	182,467.00
(3) Capital Outlay	54,622.00

Paragraph Nineteen - 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-seven thousand, eight hundred sixty-three dollars and no cents (\$27,863.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 11,818.00
(2) Other Operating Expenses	16,045.00

Paragraph Twenty - Building Inspection (3401)

For the current expenses and capital outlay of the BUILDING INSPECTOR, a division of the Department of Public Safety, the sum of one hundred fifty-six thousand, one hundred eighty-one dollars and no cents (\$156,181.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 126,131.00
(2) Other Operating Expenses	13,550.00
(3) Capital Outlay	16,500.00

Paragraph Twenty-One - Game Warden (3502)

For the current expenses of the GAME WARDEN, a division of the Department of Public Safety, the sum of twenty-seven thousand, four hundred dollars and no cents (\$27,400.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 3,000.00
(2) Other Operating Expenses	24,400.00

Paragraph Twenty-Two - Coroner (3503)

For the current expenses of the CORONER, a division of the Department of Public Safety, the sum of one thousand dollars and no cents (\$1,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,000.00
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Paragraph Twenty-Three - Emergency Services (3505)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety,

the sum of ninety-seven thousand, nine hundred dollars and no cents (\$97,900.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$ 97,900.00

Paragraph Twenty-Four - 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-eight thousand, three hundred ninety-four dollars and no cents (\$138,394.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$119,088.00  
 (2) Other Operating Expenses 10,306.00  
 (3) Capital Outlay 9,000.00

Paragraph Twenty-Five - 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, seven hundred twenty-five thousand, two hundred eighteen dollars and no cents (\$1,725,218.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$508,431.00  
 (2) Other Operating Expenses 649,787.00  
 (3) Capital Outlay 567,000.00

Paragraph Twenty-Six - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of three hundred forty-two thousand, two hundred fifty dollars and no cents (\$342,250.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$342,250.00

Paragraph Twenty-Seven - Traffic Engineering (4107)

For the current expenses and capital outlay of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of two hundred seven thousand, six hundred three dollars and no cents (\$207,603.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$ 59,971.00  
 (2) Other Operating Expenses 85,632.00  
 (3) Capital Outlay 62,000.00

Paragraph Twenty-Eight - 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-eight thousand, twenty-two dollars and no cents (\$88,022.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$ 42,577.00  
 (2) Other Operating Expenses 21,445.00  
 (3) Capital Outlay 24,000.00

Paragraph Twenty-Nine - 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 one hundred eighty-eight thousand, nine hundred seventy-six dollars and no cents (\$188,976.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$ 55,995.00  
 (2) Other Operating Expenses 101,381.00  
 (3) Capital Outlay 31,600.00

Paragraph Thirty - 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, two hundred twenty-five dollars and no cents (\$3,225.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$ 1,600.00  
 (2) Other Operating Expenses 1,625.00

Paragraph Thirty-One - 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-eight thousand, five hundred seventeen dollars and no cents (\$98,517.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$ 28,728.00  
 (2) Other Operating Expenses 64,789.00  
 (3) Capital Outlay 5,000.00

Paragraph Thirty-Two - 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 as follows:

(1) Capital Outlay \$ 10,000.00

Paragraph Thirty-Three - 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 thirty-one thousand, four hundred twenty-three dollars and no cents (\$131,423.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$131,423.00
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Paragraph Thirty-Four - 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 sixty-three thousand, four hundred dollars and no cents (\$ 63,400.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	( 63,400.00
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Paragraph Thirty-Five- 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 thirty-nine thousand, one hundred nineteen dollars and no cents (\$539,119.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$326,169.00
(2) Other Operating Expenses	108,450.00
(3) Capital Outlay	104,500.00

Paragraph Thirty-Six - Hillandale Park (7102)

For the current expenses of HILLANDALE PARK, a division of Parks, Recreation and Cultural, the sum of twenty-eight thousand, two hundred ninety-nine dollars and no cents (\$28,299.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 19,224.00
(2) Other Operating Expenses	9,075.00

Paragraph Thirty-Seven - 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-Eight - 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 twenty-three thousand, one hundred fifteen dollars and no cents (\$223,115.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$143,465.00
(2) Other Operating Expenses	72,650.00
(3) Capital Outlay	7,000.00

Paragraph Thirty-Nine - National Guard Armory (7105)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of thirty thousand, eight hundred nine dollars and no cents (\$30,809.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 16,839.00
(2) Other Operating Expenses	13,970.00

Paragraph Forty - Simms Recreation Center (7106)

For the current expenses and capital outlay of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of twenty-one thousand, ninety-four dollars and no cents (\$21,094.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 16,744.00
(2) Other Operating Expenses	3,750.00
(3) Capital Outlay	600.00

Paragraph Forty-One - Westover Swimming Pool (7107)

For the current expenses of the WESTOVER SWIMMING POOL, a division of Parks, Recreation and Cultural, the sum of fifty thousand, six hundred twenty-four dollars and no cents (\$50,624.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 40,874.00
(2) Other Operating Expenses	9,750.00

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

For the current expenses of the ATHLETIC COMPLEX (LANDFILL), a division of Parks, Recreation and Cultural, the sum of twelve thousand, four hundred fifty dollars and no cents (\$12,450.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 5,200.00
(2) Other Operating Expenses	7,250.00

Paragraph Forty-Three - Planning Commission (8101)

For the current expenses and capital outlay of the PLANNING COMMISSION, a division of the Community Development, the sum of eighty thousand, five hundred fifteen dollars and no cents (\$80,515.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 59,565.00
(2) Other Operating Expenses	6,950.00
(3) Capital Outlay	14,000.00

Paragraph Forty-Four - Board of Zoning Appeals (8104)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Community Development, the sum of one thousand, five hundred twenty dollars and no cents (\$1,520.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 720.00
(2) Other Operating Expenses	800.00

Paragraph Forty-Five - Harrisonburg Parking Authority (8106)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of the Community Development, the sum of one hundred ten thousand, eight hundred seventy-four dollars and no cents (\$110,874.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 43,814.00
(2) Other Operating Expenses	67,060.00

Paragraph Forty-Six - 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 seven hundred ninety-nine thousand, nine hundred sixteen dollars and no cents (\$799,916.00) is appropriated from the General Fund to be apportioned as follows:

9102	Insurance - Employees	\$236,000.00
9103	Insurance and Bond Premiums	112,200.00
9104	Support of Community & Civic Organizations:	
	5604.01 State Chamber of Commerce	150.00
	5604.02 Chamber of Commerce (AL Parade \$275)	2,675.00
	5604.03 County Rest Room	2,500.00
	5604.04 Rockingham Library Association	108,800.00
	5604.05 Salvation Army	4,000.00
	5604.06 Rescue Squad (Gas and Oil)	1,000.00
	5604.07 Shenandoah Valley, Inc.	500.00
	5604.08 Upper Valley Regional Park Authority	7,000.00
	5604.09 Commission-Regional Juvenile Detention Home	18,864.00
	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	6,175.00
	5604.15 Valley Program for Aging Services	5,720.00
	5604.16 WVPT - Public Television	2,400.00
	5605.01 Other Non-Departmental	1,000.00
	5605.03 First Step, Inc.	7,500.00
	5605.05 CATV - System	54,882.00
	5605.08 RDC - Economic Development	39,250.00
	5605.09 Chamber of Commerce Convention	21,600.00
	5605.10 Gemeinschaft Half-Way House	500.00
9105	Joint Expenses - Rockingham County:	
	3009.02 Payment to Rockingham County	133,750.00
9106	Airport:	
	5606.01 Subscriptions & Contributions	25,000.00
9107	Dues to Municipal League:	
	5607.01 Dues to Virginia Municipal League	5,100.00
	5608.01 Dues to National League of Cities	1,000.00

Paragraph Forty-Seven - 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 sixty-two thousand, four hundred eighty-seven dollars and no cents (\$2,162,487.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$2,162,487.00
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Paragraph Forty-Eight - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of nine million, seven hundred fifty-two thousand, six hundred seven dollars and no cents (\$9,752,607.00) is appropriated from the General Fund to be apportioned as follows:

(1) Central Garage Fund	\$ 59,804.00
(2) Central Stores Fund	15,731.00
(3) Virginia Public Assistance	145,715.00
(4) Schools	8,172,201.00
(5) Public Transportation	168,933.00
(6) Sanitation	1,190,223.00

Paragraph Forty-Nine - 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, 1988	\$21,436,734.00
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To be provided for from the following anticipated and estimated revenue which is as follows:

Anticipated Cash Balance Available 7-1-87	\$ 181,976.00
General Property Taxes (estimated)	7,567,690.00
Other Local Taxes (estimated)	7,523,608.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	81,817.00
Fines and Forfeitures (estimated)	175,000.00
Revenue from Use of Money & Property (estimated)	239,846.00
Charges for Services (estimated)	191,704.00
Miscellaneous Revenue (estimated)	1,257,500.00
Recovered Costs (estimated)	221,688.00
Payments in Lieu of Taxes (estimated)	7,000.00
Non-Categorical Aid (estimated)	1,612,849.00
Shared Expenses (Categorical)(estimated)	188,500.00
Categorical Aid (estimated)	1,603,900.00
Non-Revenue Receipts (estimated)	21,100.00
Transfers (estimated)	562,556.00

Total General Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1988	\$21,436,734.00
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SECTION II - SCHOOL BOARD

That the following sums of money be and the same hereby are appropriated for the school purposes herein specified for the fiscal year ending June 30, 1988:

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of two hundred twenty-four thousand, five hundred seventy-eight dollars and no cents (\$224,578.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration	\$ 224,578.00
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Paragraph Two - 17B-1 - Instruction-Regular Day School

For the current expenses of INSTRUCTION-REGULAR DAY SCHOOL, the sum of six million, three hundred eighty-one thousand, seven hundred three dollars and no cents (\$6,381,703.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Instruction - Regular Day School	\$6,381,703.00
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Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of one million, two hundred fifty-two thousand, two hundred fifty-five dollars and no cents (\$1,252,255.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs	\$1,252,255.00
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Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of one hundred nine thousand, sixty-eight dollars and no cents (\$109,068.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Attendance and Health Services	\$ 109,068.00
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Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of two hundred thirty thousand, one hundred fifty-four dollars and no cents (\$230,154.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Services \$ 230,154.00

Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of nine hundred thirty thousand, one hundred sixty-eight dollars and no cents (\$930,168.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services \$ 930,168.00

Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of six hundred nine thousand, four hundred seventy-four dollars and no cents (\$609,474.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Operating of School Plant \$ 609,474.00

Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of four hundred forty-two thousand, one hundred thirteen dollars and no cents (\$442,113.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Maintenance of School Plant \$ 442,113.00

Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of one million, seven hundred sixty-seven thousand, six hundred ninety-nine dollars and no cents (\$1,767,699.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Fixed Charges \$1,767,699.00

Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of forty-six thousand, seven hundred thirty-three dollars and no cents (\$46,733.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Summer Schools \$ 46,733.00

Paragraph Eleven - 17I - Adult Education

For the current expenses of ADULT EDUCATION, the sum of five thousand, two hundred forty-five dollars and no cents (\$5,245.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Adult Education \$ 5,245.00

Paragraph Twelve - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of three hundred eighteen thousand, eight hundred six dollars and no cents (\$318,806.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Federal Programs \$ 318,806.00

Paragraph Thirteen - School Textbook Fund

For the current expenses of SCHOOL TEXTBOOK FUND, the sum of ninety-eight thousand, seven hundred dollars and no cents (\$98,700.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Textbook Fund \$ 98,700.00

Paragraph Fourteen - Other Programs

For the current expenses of OTHER PROGRAMS, the sum of one hundred ten thousand, eight hundred sixty-two dollars and no cents (\$110,862.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Programs \$ 110,862.00

Paragraph Fifteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of one hundred forty-eight thousand, four hundred twenty-nine dollars and no cents (\$148,429.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Capital Outlay \$ 148,429.00

Paragraph Sixteen - 20 - Indebtedness Requirements School Board

For the payment of interest on and the retirement of loans of the School System of the City of Harrisonburg, Virginia, the sum of two hundred thirty-eight thousand, three hundred ninety-three dollars and no cents (\$238,393.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest	\$ 238,393.00
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S U M M A R Y

## Expenditures and Revenue

Total School Fund Appropriations for Fiscal Year Ending June 30, 1988	\$12,914,380.00
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To be provided for from the following  
Anticipated Revenue, which is as follows:

Receipts From State School Funds (estimated)	\$3,344,705.00
Revenue From Federal Funds (estimated)	520,510.00
Receipts From Other Funds (estimated)	876,964.00
Receipts From City Funds	8,172,201.00

Total School Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1988	\$12,914,380.00
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SECTION III - WATER FUND

That the following sums of money be and the same hereby are appropriated for the water purposes herein specified for the fiscal year ending June 30, 1988:

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-nine thousand, five hundred forty-two dollars and no cents (\$49,542.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 44,197.00
(2) Other Operating Expenses	5,345.00

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 eighty-eight thousand, five hundred dollars and no cents (\$188,500.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 10,000.00
(2) Other Operating Expenses	178,500.00

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 four hundred seven thousand, two hundred fifty dollars and no cents (\$407,250.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 187,250.00
(2) Other Operating Expenses	220,000.00

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 forty-eight thousand, twenty-five dollars and no cents (\$48,025.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 45,000.00
(2) Other Operating Expenses	3,025.00

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-seven thousand, six hundred twenty-three dollars and no cents (\$297,623.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 182,638.00
(2) Other Operating Expenses	114,985.00

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 fifty-three thousand, nine hundred twenty-five dollars and no cents (\$353,925.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay	\$ 353,925.00
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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 SERVICE ENTERPRISES - WATER ACTIVITIES, the sum of two hundred forty-seven thousand, six hundred twenty-four dollars and no cents (\$247,624.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$ 247,624.00
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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 thirty thousand, three hundred ninety-three dollars and no cents (\$230,393.00) 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	58,685.00
(4) To Central Garage Fund	29,901.00
(5) To Central Stores Fund	11,797.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation of other funds the sum of sixty-nine thousand, seven hundred nine dollars and no cents (\$69,709.00) is appropriated from the Water Fund to be transferred as follows:

(1) To General Fund - Utility Tax	\$ 69,709.00
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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, 1988	\$2,259,041.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (estimated)	\$ 73,009.00
Permits, Privilege Fees and Regulatory Licenses (estimated)	141,600.00
Revenue From Use of Money & Property (estimated)	29,300.00
Charges for Services (estimated)	1,694,582.00
Recovered Costs (estimated)	40,000.00
Non-Revenue Receipts (estimated)	90,825.00
Transfers (estimated)	189,725.00

Total Water Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1988	\$2,259,041.00
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SECTION IV - SEWER FUND

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 1988:

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-nine thousand, two hundred twenty-seven dollars and no cents (\$49,227.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 44,197.00
(2) Other Operating Expenses	5,030.00

Paragraph Two - Treatment & 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 nine hundred thousand, two hundred twenty-five dollars and no cents (\$900,225.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 30,000.00
(2) Other Operating Expenses	870,225.00

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 ninety-seven thousand, ten dollars and no cents (\$297,010.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 187,250.00
(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 three hundred ninety-four thousand, four hundred dollars and no cents (\$394,400.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$ 394,400.00
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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 two million, sixty-three thousand, five hundred twenty dollars and no cents (\$2,063,520.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$ 228,907.00
(2) HRRSA - Improvements	1,834,613.00

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 thirty-two thousand, seven hundred eighty-two dollars and no cents (\$232,782.00) 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	58,685.00
(4) To Central Garage Fund	29,901.00
(5) To Central Stores	11,797.00

S U M M A R Y

## Expenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1988	\$4,158,035.00
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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)	52,000.00
Revenue From Use of Money & Property (estimated)	25,590.00
Charges for Services (estimated)	2,806,110.00
Recovered Costs (estimated)	9,000.00
Non-Revenue Receipts (estimated)	21,350.00
Transfers (estimated)	1,243,885.00

Total Sewer Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1988	\$4,158,035.00
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SECTION V - VIRGINIA PUBLIC ASSISTANCE FUND

That the following sums of money be and the same hereby are appropriated for the social services purposes herein specified for the fiscal year ending June 30, 1988:

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 sixty-five thousand, six hundred twenty-three dollars and no cents (\$465,623.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Personal Services	\$ 300,992.00
(2) Other Operating Expenses	164,631.00

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 ninety-six thousand, seven hundred sixty dollars and no cents (\$196,760.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses \$ 196,760.00

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 seventy-nine thousand, thirty-nine dollars and no cents (\$79,039.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses \$ 79,039.00

Paragraph Four - Capital Outlay (7000)

For the capital outlay expenses of the SOCIAL SERVICES, a division of the Department of Social Services, the sum of four thousand, six hundred fifty dollars and no cents (\$4,650.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Capital Outlay \$ 4,650.00

S U M M A R Y

Expenditures and Revenue

Total Virginia Public Assistance Fund Appropriation for the Fiscal Year Ending June 30, 1988	\$ 746,072.00
To be provided for from the following Anticipated Revenue which is as follows:	
Categorical Aid (estimated)	\$ 600,357.00
Transfers From Other Funds (estimated)	145,715.00
Total Virginia Public Assistance Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1988	\$ 746,072.00

SECTION VI - CENTRAL GARAGE FUND

That the following sums of money be and the same hereby are appropriated for Central Garage purposes herein specified for the fiscal year ending June 30, 1988:

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 two hundred twenty-four thousand, one hundred forty-eight dollars and no cents (\$224,148.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services \$ 157,783.00  
 (2) Other Operating Expenses 31,165.00  
 (3) Capital Outlay 35,200.00

S U M M A R Y

Expenditures and Revenue

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 1988	\$ 224,148.00
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)	119,606.00
Total Central Garage Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1988	\$ 224,148.00

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, 1988:

Paragraph One - Central Stores

For the current expenses and capital outlay of the CENTRAL STORES, a division of the Central Stores Revolving Fund, the sum of thirty-nine thousand, three hundred twenty-five dollars and no cents (\$39,325.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services \$ 15,850.00  
 (2) Other Operating Expenses 17,475.00  
 (3) Capital Outlay 6,000.00

S U M M A R Y

## Expenditures and Revenue

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1988	\$ 39,325.00
To be provided for from the following Anticipated Revenue, which is as follows:	
Transfers From Other Funds (estimated)	\$ 39,325.00
Total Central Stores Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1988	\$ 39,325.00

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, 1988:

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 sixty-seven thousand, two hundred twenty-nine dollars and no cents (\$467,229.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 223,187.00
(2) Other Operating Expenses	244,042.00

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 forty-eight thousand, three hundred ninety-two dollars and no cents (\$248,392.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 141,620.00
(2) Other Operating Expenses	106,772.00

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 three hundred eighteen thousand, seven hundred nine dollars and no cents (\$318,709.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 213,950.00
(2) Other Operating Expenses	104,759.00

Paragraph Four - Miscellaneous (4)

For the current expenses of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of forty-six thousand, five hundred thirty-nine dollars and no cents (\$46,539.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 8,239.00
(2) Other Operating Expenses	38,300.00

Paragraph Five - Capital Outlay (7)

For the capital improvements in the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of two hundred ten thousand dollars and no cents (\$210,000.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlay	\$ 210,000.00
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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, 1988	\$1,290,869.00
To be provided for from the following Anticipated Revenue, which is as follows:	
Charges for Services (estimated)	\$ 666,900.00
Recovered Costs (estimated)	10,000.00
Other Categorical Aid (estimated)	365,000.00
Transfers From Other Funds (estimated)	248,969.00
Total Public Transportation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1988	\$1,290,869.00

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, 1988:

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 ninety-four thousand, four hundred fifty-six dollars and no cents (\$494,456.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 342,242.00
(2) Other Operating Expenses	152,214.00

Paragraph Two - Refuse Collection (2)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of three hundred eighty-four thousand, eight hundred six dollars and no cents (\$384,806.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 283,163.00
(2) Other Operating Expenses	101,643.00

Paragraph Three - Sanitary Landfill (3)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of one hundred five thousand, six hundred ninety-three dollars and no cents (\$105,693.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 77,693.00
(2) Other Operating Expenses	28,000.00

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 fifty-five thousand dollars and no cents (\$155,000.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlay	\$ 155,000.00
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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-five thousand, eight hundred seventy-two dollars and no cents (\$1,175,872.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$1,175,872.00
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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, 1988	\$2,713,820.00
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To be provided for from the following  
Anticipated Revenue, which is as follows:

Revenue From Use of Money & Property (estimated)	\$ 2,000.00
Charges for Services (estimated)	1,230,072.00
Recovered Costs (estimated)	500.00
Transfers (estimated)	1,481,248.00

Total Sanitation Fund Revenue (estimated) for the Fiscal Year Ending June 30, 1988	\$2,713,820.00
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TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH IX IN THIS  
ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1988

RECAPITULATION

Section I	(General Fund)	\$21,436,734.00
Section II	(School Fund)	\$12,914,380.00
Section III	(Water Fund)	\$ 2,259,041.00
Section IV	(Sewer Fund)	\$ 4,158,035.00

Section V	(Virginia Public Assistance Fund)	\$ 746,072.00
Section VI	(Central Garage Fund)	\$ 224,148.00
Section VII	(Central Stores Fund)	\$ 39,325.00
Section VIII	(Public Transportation Fund)	\$ 1,290,869.00
Section IX	(Sanitation Fund)	\$ 2,714,820.00
TOTAL APPROPRIATIONS		\$45,782,424.00

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 Dollars and Fifty Cents) on each one hundred dollars assessed valuation for the year 1987; 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, of the 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, 1987. 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, 1987, and ending June 30, 1988, 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 named as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another.

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

This ordinance shall become effective July 1, 1987.

Given under my hand this 28th day of May, 1987.

*Walter B. Brown, Jr.*  
MAYOR

ATTESTE:

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CLERK OF COUNCIL

Tuesday, May 26, 1987

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 May 12th were approved, as corrected. The Clerk volunteered to send corrected excerpts to each member, relating to the City's proposed 1987-88 Budget, in that several changes were made.

✓ For information, City Manager Milam presented a report from the Equalization Board, signed by Robert L. Brumback, Chmn., J. Nelson Liskey, Secretary, Thomas J. Wilson, III and Irvin C. Lee, with the following statistics set out therein:

2 Parcels Increased for total of	\$ 11,000.00
21 Parcels Decreased for total of	590,300.00
12 Parcels were not changed	
<u>35 Parcels considered for total of</u>	<u>\$579,300.00 Net Decrease</u>

The correspondence noted that "after strict examination and due consideration of facts, all inequities in Real Estate Assessments for the current period were equalized to the best of our judgement."

City Manager Milam presented a communication which he had received from the Youth Department of First Baptist Church, 611 Broad Street, requesting permission to block off Lincoln Circle from traffic, from 5:00 P.M. - 10:00 P.M. on Saturday, May 30th. Council Member Rhodes said he had referred the requestors to the Governing Body, with formal request for permission, and added that he could see no problem in blocking off the area during those hours. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, permission was granted.

Mr. John Reeves of 1046 Chestnut Drive, parent of two small children, appeared before Council to express concern re the amount of appropriation being proposed to the elementary schools in the city, in that he has become aware of an estimated thirty pupils in the Keister School kindergarten class this coming school year. He offered an opinion that the growth is too fast for the new middle school to take care of the situation. School Superintendent Hiner said the School Board is concerned about overcrowding, and will be striving to make adjustments by next school year. He noted that three portable classrooms will be budgeted for the 1988-89 fiscal year, in that the city does not want to be in violation of state standards.

At 8:00 P.M., Mayor Green closed the regular session, and called the evening's first public hearing to order. City Manager Milam called attention to the Budget Synopsis, which appeared in the Daily News Record newspaper on May 15th, and read the following Notice of Hearing which was included:

*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 26th day of May, 1987, 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. The entire proposed budget may 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.*

*Given under my hand this 13th day of May, 1987.*

*Marvin B. Milam, City Manager*

Mayor Green called on anyone present, desiring to be heard. Mr. John Driver spoke to the matter of insufficient funding, which he feels is being proposed for the Public Works Department. He noted an estimated amount of \$ 2.8 which includes both Operating Expenses and Capital Outlay, with \$ 1.6 million from the state, and the remaining \$ 1.2 million in local money. He offered an opinion that the proposed increase will not take care of the street mileage acquired under the 1983 annexation, and that obligations of the Annexation Court will not be met with the present rate of appropriation proposed for the Street Department Budget. He pointed out various streets on a map in need of improvements, etc. and stressed the need for more appropriation for some Capital Outlay projects. City Manager Milam said that he did not disagree with the need for more money, but called attention to other obligations (i.e. Industrial Development in the North Liberty Street area, with land dedicated and rights-of-way under negotiation for new streets - Mt. Clinton Pike to be extended, with encouragement for trucks to use Exit 65 of I-81 and use Rt. 11, North Main and Charles Streets as main routes to and from the Wampler Feed Mill; request for widening N. Main St. (Rt.11) on both sides by 2' from Charles Street to the North Corporate Limits, with resolution to be presented later in this meeting; Vine Street improvements; \$ 700,000 Ridgeville Improvement Project for streets, water and sewer, etc.) Mayor Green said it has been known that more money is needed, but the question is: where to get it? Manager Milam then presented proposed amendments to the Appropriation Ordinance since the first reading on May 12th: decrease in the General Fund Anticipated Cash Balance and decrease in Schools from 10.2% to 9.2%. He noted that with the amendments, the total Budget would be decreased from \$ 46,174,744 to \$ 45,782,424. There being no others desiring to be heard, the Hearing was closed at 8:30 p.m.

Mayor Green called the evening's second public hearing to order and City Manager Milam read the following Notice advertised in the Daily News Record newspaper on May 20th, noting that it had been published a second time, due to an error on first publication by the News Record:

*The City of Harrisonburg, Virginia, proposes to increase property tax levies.*

*1. Assessment Increase: Total assessed value of real property, excluding additional assessment due to new construction of improvements to property, exceeds last year's total assessed value of real property by 11.42 percent.*

*2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above would be \$0.647 per \$100 assessed value. This rate will be known as the "lowered tax rate."*

*3. Effective Rate Increase: The City of Harrisonburg proposed to adopt a tax rate of \$0.72 per \$100 of assessed value. This is the same tax rate as was in effect in 1986. The difference between the lowered tax rate and the proposed rate would be \$0.073 per \$100, or 11.28 percent. This difference will be known as the "effective tax rate increase."*

*Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.*

*A public hearing on the increase will be held on Tuesday, May 26, 1987, at 7:30 p.m., in the Council Chambers, Municipal Building, 345 S. Main Street, Harrisonburg, Virginia.*

*All hearings shall be open to the public. The governing body shall permit persons desiring to be heard, an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.*

*The provisions of this section shall not be applicable to the assessment of public service corporation property by the State Corporation Commission.*

*Marvin B. Milam, City Manager*

Mayor Green called on anyone present, desiring to be heard concerning the proposal to increase property tax levies. There being none, the Hearing was declared closed, and the regular session reconvened.

Mayor Green reminded members that it has been a policy to hold budget work sessions, which they may, or may not wish to do. He noted that if so, it must be done between now and next Monday. It

It was unanimously agreed that a work session be held on Thursday evening, 7:30, as a continuation of tonight's meeting.

Ms. Sherry Hill, Director of Northwest Section, Special Olympics, informed Council that a Law Enforcement Torch Run is held annually in support of persons with mental retardation, with police officers carrying torches, along with other individuals. Pledges are made by individuals and organizations. She noted that last year, Chief Presgrave had requested that Harrisonburg be invited to be involved in the Torch Run, which resulted in approval, as well as the name of Chief Presgrave to serve as Chairperson for this year's event. The following proposed Resolution was presented for Council's consideration of approval:

*WHEREAS, In the past few years, in several states, persons with mental retardation have been receiving law enforcement support on a local level; and*

*WHEREAS, Special Olympics International is the world's largest sports program for children and adults with mental retardation; and*

*WHEREAS, The Law Enforcement Torch Run for Special Olympics is a nationwide series of runs by law enforcement officers from across the United States to raise money for Special Olympics; and*

*WHEREAS, The Virginia Association of Chiefs of Police is supporting a torch run for the Virginia Special Olympics June 3rd - June 5th, 1987,*

*NOW, THEREFORE, BE IT RESOLVED that I, Walter F. Green, 3rd, Mayor of the City of Harrisonburg, on behalf of the Harrisonburg City Council, do hereby encourage all citizens in the city to provide support for the 1987 Law Enforcement Torch Run for Special Olympics by supporting the local law enforcement run.*

On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous vote of Council, the Resolution was approved, with authorization for the Mayor to sign the same.

Council received the following Planning Commission report from its meeting held on May 20th:

*"...Attorney Steve Heitz, representing RLC Limited, told the Commissioners that his client desires to purchase a 20,168 square foot portion of the Real Estate Investments property, located at 16 Pleasant Hill Road. RLC Limited plans to establish a professional office center on the 20,168 square foot lot plus Lot 20, located immediately west. Mr. Heitz showed a layout of office structures and parking areas, noting that the parking and open spaces will be owned by a property-owners' association. Each office unit, with minimum front and rear yard areas, will be presented later as a 'townhouse' subdivision. RLC will be requesting variances due to its commercial purpose.*

*Mr. Heath moved that the Commission recommend approval of the resubdivision of Real Estate Investments property at 16 Pleasant Hill Road. Mr. Milan seconded the motion and all members present voted in favor. (The site plan for professional offices and RLC's proposed commercial townhouse subdivision was referred to City Staff for detailed review)..."*

Planning Director Sullivan noted that Real Estate Investments desires to sell the back portion of property, plus a stem of land that goes with it, to RLC, Ltd. RLC also owns the old car lot which the bank presently uses for storage of cars. In getting the re-subdivision this far, Mr. Sullivan said that all concerned will continue with a design plan and "put it together," although a site plan is not in readiness this evening. City Manager Milan called attention to the attached portion of City Block Map, and said that RLC will be building on Lot 20 and a portion of Lot 19. Council Member Robinson 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.

The following Planning Commission report was presented from its meeting held on May 20th:

*"...The Director reported that Mr. Zane Showker plans to sell Lot 7 at 1320 North Main Street to North Main Welding, Inc. and he wants to add a 33.5' strip of land to the lot, by taking it off the adjacent parcel. The property is zoned M-1 Industrial. Surveyor David Ingram's plat was reviewed, plus a neighborhood map. Mr. Rhodes moved to recommend approval of the re-subdivision of Lot 7 at 1320 North Main Street, as requested. Mr. Milan seconded the motion which passed unanimously..."*

Planning Director Sullivan noted that Mr. Showker wants to widen Lot 18 by taking a strip from Lot 15, which lot contains a cinder block building. Council Member Shank offered a motion for the resubdivision of Lot 7, to be approved, as recommended by the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

Council received the following Planning Commission report from its meeting of May 20th:

*"...The Commissioners studied two plats by Surveyor Hal Berner, showing conveyances of certain pieces of land between Messrs. James Wheatley, Cecil Gilkerson and Scripture Building Corporation. The purpose is to correct certain backyard property lines for their dwellings on Paul Street. Mr. Heath moved and Mrs. Shapiro seconded his motion to recommend approval of the resubdivision. All members present voted in favor..."*

Planning Director Sullivan called attention to the attached map, noting that Mr. Wheatley will be increasing his property by a long triangular strip of land, a small portion of which will be purchased from Mr. Gilkerson and the larger portion from Scripture Building Corporation. He said the neighbors are anxious for the resubdivision to be approved, in order to correct their backyard areas. Council Member Rhodes offered a motion for the resubdivision to be approved, as recommended by the City Planning Commission. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

The following Planning Commission report from its May 20th meeting, was presented:

*"...Mr. Orden Harman described proposed Section 4 of Harmony Heights Subdivision with 31 residential lots. Most of the R-3 zoned area will be developed for multiple dwellings. The lots on College Avenue will be restricted to single family units. The Director reported that all engineering and construction plans for Section 4 have been approved by the city. Mr. Rhodes moved and Mr. Hughes seconded his motion to recommend approval of the Final Plan for Section 4, Harmony Heights Subdivision. All members present voted in favor..."*

Attorney Henry Clark informed Council that the Preliminary Plan had been approved several years ago, with area developed by sections since that time. He pointed out location of the section for develop-

ment at this time, and said that all is in readiness, and awaiting approval of Council. Vice-Mayor Dingledine 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.

Council received the following Planning Commission report from its May 20th meeting:

*"...The Commissioners reviewed the proposed Final Plan of Parkwood Subdivision, a 21 lot single family development on 8.5 acres on the east side of Sunrise Avenue. The Director noted that engineering and construction drawings have been reviewed and accepted. The developers will construct curb and gutter on Tall Oak Court and Shady Oak Court. Sunrise Avenue is already curbed. Neyland Drive will be graded and a temporary cul-de-sac will be built at the current deadend of Maryland Avenue.*

*Mr. Hughes concluded the discussion with a motion to recommend approval of the Final Plan for Parkwood Subdivision. Mr. Heath seconded the motion which passed unanimously..."*

Planning Director Sullivan pointed out the area on a map, which the subdivision will fit into, and said that there may be a few details which City Engineer Wilcox is working out with the engineer. He noted, however, that the Commission was pleased with the plan. Council Member Shank offered a motion for the Final Plan for Parkwood Subdivision to be approved, as recommended by the Planning Commission. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

For consideration of second & final readings, the following two ordinances, amending the Purchasing & Contracting Policy Manual, were presented: Section 4-3-6(3) "Nominal Value"- increase from \$100 to \$ 300; Section 4-3-44(a) "Small Purchases" - providing for purchases under \$ 10,000 to be made via telephone survey, thus eliminating the need to go through the bid process. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous recorded vote of Council, the ordinances were approved for second & final reading, with authorization for the Mayor to sign the ordinances and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. (Refer to Ord. Book L, pages 89 and 90).

Council Member Robinson moved that a supplemental appropriation in amount of \$ 1,606.68, requested by the Police Chief in order to transfer funds from various sources, toward purchase of new police vehicles, be approved for second & final reading, a first reading having been approved on May 12th, and that:

\$ 1,606.68 chgd.to: General Fund (1901.01) Recoveries & Rebates

1,606.68 approp.to: General Fund (3101-7005.00) Motor Vehicles & Equip.

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

Council Member Shank offered a motion for a supplemental appropriation in amount of \$ 9,712.86, requested by the Street Superintendent in order to recover funds from Auction of used equipment, for equipment replacement, to be approved for second & final reading, a first reading having been approved on May 12th, and that:

\$ 9,712.86 chgd.to: General Fund (1901.01) Recoveries & Rebates

9,712.86 approp.to: General Fund (4202-7001.00) St.Cleaning- Mach. & Equip.

The motion was seconded by Council Member Rhodes, 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 total amount of \$ 2,019.52, in order to transfer monies from account of Recoveries & Rebates, into various Recreation Accounts, as follows: \$ 1500 from Property Rental to Work in Progress; \$ 350 from sale of wood, to General Operating; and \$ 169.52 for CAC Exercise Room damages, to General Operating to cover costs of repairs. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 519.52 chgd.to: General Fund (1901.01) Recoveries & Rebates

1,500.00 chgd.to: General Fund (1502.01) Rental of General Property

350.00 approp.to: General Fund (7101-5413.01) Parks & Playgrounds- Other Oper. Exp.

169.52 approp.to: General Fund (7104-5413.01) Comm.Act.Center- Other Oper. Exp.

1,500.00 approp.to: General Fund (7101-7013.01) Cap. Outlay- Land Imp.

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

Council received a request from School Superintendent Hiner for approval of a transfer of funds in total amount of \$ 280,200 from areas in the school's budget where expenditures were less than anticipated, into various school accounts with needs more than anticipated. Vice-Mayor Dingledine moved that the transfer be approved, and that:

\$ 20,000 trans.from: School Fund (1201-134.11) Compensation- Elem. Teachers

30,000 trans.from: School Fund (1201-135.01) Compensation- Supervisors

40,000 trans.from: School Fund (1201-221.00) Tuition Pd.Other Divisions

28,300 trans.from: School Fund (1201-221.01) Tuition Pd.Private Schools

50,000 trans.from: School Fund (1205-311.00) Fuel

19,000 trans.from: School Fund (1206-210.00) Insurance

2,900 trans.from: School Fund (1206-213.00) Worker Comp.

90,000 trans.from: School Fund (1206-295.00) Employer Costs for Frng.Benefits

17,000 trans.to: School Fund (1209-109.02) Comp. Teacher Aides

12,000 trans.to: School Fund (1209-200.05) Inst. Supplies

1,000 trans.to: School Fund (1209-403.00) Furn. & Equip.

85,200 trans.to: School Fund (1900-205.01) Arch/Eng.Fees

45,000 trans.to: School Fund (1900-403.00) Furn. & Equipment

120,000 trans.to: School Fund (1900-699.00) Other Cap. Outlays

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

City Manager Milam requested approval of a transfer of funds, from the General to Sewer Funds, in order that partial payment of the \$ 1,834,613 Harrisonburg-Rockingham Regional Sewer Authority improvements at the Regional Plant, may be made. Council Member Rhodes moved that the transfer be approved, and that:

\$ 600,000 chgd.to: General Fund - Unappropriated Fund Balance

600,000 approp.to: Sewer Fund- Unappropriated Fund Balance

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



Thursday, May 28, 1987

At an adjourned meeting of Council held 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.

The Clerk read a corrected excerpt from the minutes of May 12th, concerning the proposed 1987-88 City Budget, which was approved as read.

✓ Mayor Green asked the City Manager if comments had been received concerning the proposed 1987-88 City Budget, since Tuesday evening. Manager Milam noted one question concerning improvements to Old Country Club Road, and noted that the amount of \$ 120,000 has been made available in next year's budget to cover a portion of Norwood & Hawkins Streets, as well as a portion for curb & gutter on Old Country Club Road. He expressed a hope that the drainage situation may be corrected in the area of Kelley Street, where flooding occurs following heavy rainfalls. An amount of \$ 100,000 has been requested for state funding for Reservoir Street, and \$ 28,000 has been set aside for improvements on Betts Road, with property owners participating at 40% of the cost. During a question and answer period, a question was raised concerning meaning of the Hampton Contract which appears under the Transportation Budget in amount of \$ 2,000, for which there was no immediate answer. With regard to a question about estimated revenue recovery under the Water Budget, Manager Milam said there is a plan to submit a total proposal for water services. Council Member Robinson asked about work on the bridge where Route 33 intersects with I-81, and was told that this is in the hands of the State Department of Transportation. When the Mayor asked the City Manager if he felt that more street projects could be programmed next year, in view of remarks by Mr. Driver on Tuesday evening, Manager Milam elaborated on the many obligations currently before the city and noted deficits, although not astronomical, in the Sewer, Transportation and Sanitation funds, with differences having to be made up by someone. He said he would be bringing in a Highway report and added the fact that projects are being carried out on a long-range program. Although he does not disagree with Mr. Driver's remarks concerning the need for more money for street projects, Manager Milam said he does not feel that the city is falling behind on its annexation obligations. He reported an approximate \$ 324,000

in the General Fund Balance following payments for various obligations (i.e. Heat Recovery, improvements at the Regional Sewer Plant, deficits, etc.) and expressed an opinion that the City's financial status is healthy and sound. The possibility of split real estate taxes was discussed briefly, whereby taxes would be paid, if desired, twice a year rather than in one payment, and City Auditor Peterman said this would improve the city's cash flow. It would, however, require extra help in the Office of City Treasurer, twice a year, rather than once. Council Member Robinson offered a motion for the Appropriation Ordinance, as amended with changes explained by the City Manager on Tuesday evening, 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 Minute Book. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council. (Refer to Minute Bk P, pages 180 - 194).

There being no further business, and on motion duly adopted, the meeting was adjourned at 8:40 P.M.

\_\_\_\_\_  
CLERK

*Statten E. 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. 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 May 26th were approved as corrected, and minutes of an adjourned meeting on May 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 May, 1987.

From the City Treasurer:

A trial balance report as of close of business on May 29, 1987.

From the Police Department:

A report of fines & costs, \$ 3,606.50; cash collected from street parking meters, \$ 8,820.33; total cash collected, paid on accounts and turned over to City Treasurer, \$ 12,426.83, for month of May, 1987.

From the City Auditor:

A financial report for month of May, 1987.

A report of cash discounts saved in payment of vendor's invoices for month of May, 1987, totaling \$ 452.81.

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, 1987.

Messrs. John and Myron Augsberger were present in the meeting as a follow-up to an earlier request for city water and sewer services to serve a parcel of land west of Harmony Heights Subdivision and bordering the city limits. Sixty units are proposed as a planned community development, with a need to go through Rockingham County officials for rezoning of approximately 12 acres of agricultural zoned land, which zoning would be supported by connection to the city's service lines. He noted that a drainage easement was given, with request by the City Engineer that it be recorded and approved. When Council Member Rhodes asked through whom the drainage easement was made, Mr. Augsberger said it was made through the developers of Harmony Heights on request of the Health Department and city. Mr. Myron Augsberger said they are carrying a lot of water from Harmony Heights to their farm, and noted that the city had said it would grant water & sewer services in exchange for the easement for a future street. City Manager Milam noted an existing city policy, whereby developers of land, effective back to Rawley Springs, would be permitted to connect to the city's water and sewer lines, if the land was within 300' of city lines, with the developer assuming 100% of the cost. This policy has been applied, generally, along Route 33 west. Mayor Green noted a number of problems, which presently exist, where county land borders the city line, and Manager Milam said that the requested utility connections have been held up since the January 1983 annexation. The Mayor noted that nothing had been worked out with the county, in that they have said they would provide their own services. City Attorney Thumma pointed out that the city has to obtain permission from the county, to extend utility lines into the county. Mr. Augsberger said they were in this meeting to ask for fairness and consideration, in that they are attempting a project which the city will be proud of. They are aware that it will not be easily resolved and they are sympathetic with regard to other issues facing the city, but noted, however, that this particular situation may not be as involved, in view of the close proximity of their land, to the city's service lines. Mayor Green said there could be no decision reached tonight, but added the fact that the Liaison Committee would have to get together concerning a plan to provide services. Vice-Mayor Dingleline, a member of the Liaison Committee, said that a policy would have to be established and maintained. When Council Member Robinson questioned responsibility insofar as fire protection for the development, it was noted that Hose Company #4 would answer calls, in that it serves the county area. Attorney Thumma said that the way he reads the statute, permission must be granted by the other Locale before the city could provide the requested utility services, and because of this, he could not see how a decision could be made at this time. Mayor Green said "we will have to wait and see what comes out, as to the other proposals," and added the fact that some property line changes, etc. may be necessitated. City Manager Milam suggested that Mr. Augsberger talk with the County Board of Supervisors, or their agent.

A communication was presented from Mr. Hobert G. Texiere, requesting consideration and approval of the rezoning of four lots, from M-1 Industrial to R-3 Multiple Dwelling District. The lots are located on the south side of West Rock Street, with rezoning requested in order to construct new, moderately priced rental units for the elderly. 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 scheduling of a public hearing.

✓ Council received a petition signed by 33 residents in the area of Wren Way, Star Crest Drive and Bob White Place, for a rezoning classification from R-4 to R-1 Single Family Residential. It was noted that the change in zoning would more accurately reflect the usage of the property, and also be in keeping with surrounding zoning. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the petition was referred to the City Planning Commission for review and scheduling of a public hearing.

✓ A petition was presented, signed by officials of six oil companies, requesting amending of the Zoning Ordinance to permit a zero setback for canopies over petroleum islands, that were in existence on January 1, 1987. It was noted that this would give such service stations and convenience stores the right to extend the canopies over the gasoline and diesel islands, or erect canopies over their existing islands, which would not only improve the appearance of the establishments, but better serve the customers, as well. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the petition was referred to the City Planning Commission for its consideration.

✓ Mr. Lance K. Braun of Skyfire Pyrotechnical Displays Unlimited, Dayton, Virginia, was present in the meeting to request authorization for conducting a public fireworks display over Newman Lake on the JMU campus, Saturday, July 4th. The display would begin at dark (9:15 p.m.) and continue for approximately 20-25 minutes, climaxing a day long family oriented activity which has been planned for that day, sponsored by various organizations. He apologized for the lateness of last year's display, which was unavoidable, and had drawn some complaints from nearby residents. He gave assurance that this year's display would begin as scheduled. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the authorization was granted. City Manager Milam asked that the \$1 million public liability insurance certificate be received prior to July 4th.

✓ At 8:25 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, advertised in the Daily News Record newspaper on Thursday, May 28th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 9, 1987, at 7:30 p.m. in the Municipal Building, 345 S. 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, 1987.*

*Marvin B. Milam, City Manager*

The Mayor called on anyone present, desiring to be heard, with no response received. Council Member Robinson noted that Mrs. Charlotte V. McNulty of 285 Franklin Street, had submitted her resume for consideration. The Hearing was declared closed and the regular session reconvened.

✓ Council received the following Planning Commission report from its May 20th meeting:

*"...The Commissioners were oriented to an overall map of proposed Section 4 of Ashby Heights Subdivision. Twenty-six single family lots are planned. Mr. John Driver told the Commissioners that a cul-de-sac with a 110' diameter is proposed at the end of Nelson Drive, thus large enough for school buses and fire trucks to turn, and a turn-around area is proposed at the end of Windsor Road, like the ones on Walnut Lane near the Cantrell Avenue bridge. He pointed out that only one section of Nelson Drive will have a steep grade (11.8%) and most of the new road will have less than 6% grade. The Director told the Commissioners that engineering, drainage, and utility plans were brought in on May 18th, therefore City Staff has not completed its study and review. He asked Messrs. Driver and Constable to meet with staff in the near future. (This meeting took place on June 4, 1987).*

*Mr. Heath then moved for the Commission to recommend approval of the Final Plan for Section 4, Ashby Heights Subdivision, subject to acceptance of engineering and utility plans by City Staff, including a variance to allow the 11.8% grade on Nelson Drive. Also, grading of Nelson Drive will be 3 1/2' behind each face of curb due to topography and the large number of trees on the site. Mr. Hughes seconded the motion which passed unanimously..."*

Planning Director Sullivan said the Commission had reviewed this as a preliminary plan in the early part of this year, and delayed bringing the matter to Council, in order to meet with the developers, which meeting took place last Thursday, between City Staff, Mr. John Driver and Mr. Albert Constable. He reiterated the situation as set out in the Commission's report, noting that a public dedication is needed on the full-fledged cul-de-sac which is proposed at the end of Windsor Road, with the dedication set out on the City Map, with possibility of a future circle, adjacent to Mr. M.C. Braun's lot. When Council Member Shank asked "how far Nelson Drive is, until you get to the proposed cul-de-sac," Mr. Driver replied that it is 1900'. Mr. Driver pointed out location of the 21 acres, containing 26 single family residential lots, noting that the variance would allow an 11.8% grade at the end of Nelson Drive, into the site, at 125', with no grade over 6% from here to the top of the hill. Following discussion, Council Member Rhodes moved that the recommendation of the Planning Commission for approval of Section 4, Ashby Heights Subdivision, be approved, as set out in the Commission's report. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Attorney George H. Roberts, Jr., presented the following proposed Resolution for Council's consideration:

*WHEREAS, a public hearing was held by the Industrial Development Authority of the City of Harrisonburg, Va. on May 14, 1987, in accordance with the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.1-1378.1 of the Code of Virginia (1950), as amended, to consider the application of Virginia Menmonite Home, Inc. (the Applicant) requesting the Authority to issue up to 5,000,000 of its Industrial Development Revenue Bonds to assist the Applicant in refunding the Authority's outstanding \$5,000,000 Health Care Facility Revenue Bonds (Virginia Menmonite Home, Inc.) issued December 29, 1983, the proceeds of which were used for the construction of a two-story health care building containing 120 beds and associated support facilities owned by the Applicant and located at 1475 Virginia Avenue,*

Harrisonburg, Virginia; and

WHEREAS, after such public hearing, the Authority filed its report with the City Council recommending the approval of the bonds and finding the issuance of the bonds would be consistent with the Virginia Industrial Development and Revenue Bond Act, together with the fiscal impact statement for the project as required by Section 15.1-1378.2 of the Virginia Code,

NOW, THEREFORE, BE IT RESOLVED: (1) The issuance of the bonds described above is hereby approved by the City Council of the City of Harrisonburg, Va., to the extent required by Section 147(f) of the Code and Sec. 15.1-1378.1 of the Virginia Code, to permit the Authority to assist in the financing of the Project.

(1) The approval of the issuance of the bonds, as required by Section 147(f) of the Code and Sec. 15.1-1378.2 of the Virginia Code, does not constitute an endorsement of the bonds, the financial viability of the facilities or the creditworthiness of the Applicant, but, as required by Sec. 15.1-1380 of the Virginia Code, the bonds shall provide that neither the Commonwealth of Virginia, The City of Harrisonburg, nor the Authority shall be obligated to pay the bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor and neither the faith, credit nor taxing power of the Commonwealth of Virginia, the City of Harrisonburg, or the Authority shall be pledged thereto.

(2) The bonds to be issued on behalf of the Applicant are hereby designated to the extent, if any, necessary under Section 265(b)(3) of the Code as "qualified tax-exempt obligations."

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

Attorney Roberts noted that when the tax law was amended, it made purchase of bonds very attractive, through commercial banks, but added the fact that banks are no longer interested in buying tax exempt bonds. Although localities are allowed to issue up to \$10 million in bonds annually, he said this particular issue has been pending outcome of the City's budget, insofar as anticipated bond issues. If the resolution is approved, Attorney Roberts said the Authority would not go forward with the issue until the city's bond limit has been determined. However, if the resolution is approved, the Authority will come back for further action in order to comply with Section 265(b)(3) "qualified tax-exempt obligations." Mayor Green questioned the City's right to approve the resolution, and the Vice-Mayor offered an opinion that no action should be taken until there is a clearer picture of what the City plans to do. Attorney Roberts suggested approval of the Resolution with deletion of paragraph 2 referring to Section 265(b)(3), in that this would eliminate any commitment of the "qualified tax-exempt obligation." He gave assurance that the issue would not be consummated until a decision has been reached about the city's bonds, and that another resolution would be brought to Council in October. Vice-Mayor Dingleline offered a motion for the Resolution, amended by deletion of paragraph 2, to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council.

City Manager Milam informed Council that the proposed first reading of a franchise agreement with Warner Cable Communications, Inc., is up for consideration at this time, and called attention to an amended proposal for cable services. He gave a re-cap of cable services: In 1952, Harrisonburg granted a 20-year franchise, and several months prior to 1972 (expiration of the franchise), a second franchise was granted in two parts of 8 years each, with expiration date of April 1, 1988. During the second 8-year period, Congress passed the Cable Communications Policy Act, imposing certain requirements upon cities and cable operators in connection with existing franchises. Notification was given Warner Communications that proposals were to be submitted. Attorney Holmes Harrison was designated as special counsel, as well as Mr. Howard Friedman, to evaluate the current cable services, and work with Warner insofar as recommendations, etc. The proposal was reviewed at length, and sent back and forth between Warner and Harrisonburg's attorneys, for amendments. Although an amended proposal has been received, action of Council has been delayed until now, due to the enormous amount of activities before the governing body during the month of May. Manager Milam expressed a hope that the agreement may be approved for a first reading and hopefully, a second reading, in order that reconstruction of the system may get underway. Attorney Harrison noted that the original proposal from Warner, was not in the form of a franchise, and that it had been re-worked, with a number of legal protections incorporated, which were felt to be necessary. He informed Council that it needs to make a decision to accept the proposal, or reject same. If rejected, an administrative hearing would be necessitated with both the City and Warner presenting evidence for and against the proposal. Manager Milam noted pages for inclusion in the draft ordinance (i.e. page 10 - change in wording to make it clear that the original proposal is incorporated in the franchise, making it a part of the franchise, insofar as programming, rates, etc.; page 36 - reflects agreement for the cable company to expand service area to include roads listed; page 55 - documentation of rates in effect, as well as present rates. Mr. Friedman pointed out the fact that page 36 will not replace the present page, but would be added thereto. Council Member Robinson expressed concern that a number of areas had not been served with cable services over the past three years, when a provision was included in the original franchise, and the Mayor concurred with the concern. Mr. Bruce Wallinger, attorney for Warner Communications, introduced representatives of the company, present in the meeting, and spoke to the franchise issue. He noted that the 65 page document replaces a 12-page document which has been operated under since 1971. Warner wants to be a partner with the city in creating the best cable service the city can have, which will be an advantage to both the company and city. He explained, in reply to the concern expressed, that there had been a misunderstanding on wording of the original agreement, with regard to Warner's obligations. Attorney Wallinger said he had reviewed the present document, and "applauds Harrison and Friedman for the work they have done." He said he felt the Franchise Agreement is responsive to all concerns raised by Council, as well as the public, in hearings. A 54 channel capacity is proposed, some of which have been requested, and free installation will be made available to the schools, fire department, and other public buildings. In his opinion, Attorney Wallinger said the agreement will be the key to a happy relationship between Warner and the City. Mayor Green asked what basic services will be provided in 3-months following the franchise agreement, and was informed that a 26-channel basic will include the present tier services and additional services on top of this. Customers would be provided with appropriate converters at no extra cost. When asked if the intended to maintain the same rate for basic services, the reply was that "the company plans to

maintain the rate until all customers are converted, at which time the rate will be in keeping with the market place, which will have to be determined." Council was informed that the system will be rebuilt, with all customers converted to the new basic channels, with approximately six months required for the transfers to be made. When Mayor Green asked if they could live with the 2-year review, should major changes occur, and if their engineering people would work with ours, the answer was that the company was very comfortable with this arrangement, and that everything in the state-of-the-art will be put in here. When the Mayor questioned whether or not a lesser basic service could be offered the elderly, on which the proposed \$ 12.95 monthly rate may be a burden, he was told that this had been discussed, with the determination that it would result in technical problems, and that those desiring less service, could receive same through an antenna. An increase in basic rate, with additional channels, will help offset money spent for reconstruction of the system, additional channels, etc. Attorney Harrison said it appears that everything is included in the Franchise Agreement, and that it contains enough protection for the city to see that provisions are carried out. When the Vice-Mayor asked if the company anticipates rate changes, he was advised that the plan is to transfer customers to new services at the present rate, and thereafter, to look at the annual rates and adjust accordingly. Manager Milam noted that the city will be reimbursed in the amount of \$ 35,000, 30-days after the agreement is in effect, representing the city's consulting expenses in awarding this agreement, which reimbursement will be separate and apart from the Franchise fee to the City. He added the fact that the T-V Committee feels this is the best agreement that the city could receive. Attorney Harrison pointed out that the agreement includes the amount of \$ 20,000 for any breach in same, and that a performance bond would be submitted prior to beginning any work on the cable system. Following the lengthy discussion, Attorney Harrison and City Attorney Thumma were asked to get together before Council's next regular meeting, concerning the preparation of a proper ordinance accepting the Agreement, at which time further action may be taken to approve or reject the same.

Vice-Mayor Dingledine offered a motion for a supplemental appropriation in amount of \$2,019.52, requested by the Parks & Recreation Director, in order to transfer monies from Account of Recoveries & Rebates into various accounts where funds are needed, to be approved for second & final reading, a first reading having been approved on May 26th, and that:

\$ 519.52 chgd.to: General Fund (1901.01) Recoveries & Rebates  
 1,500.00 chgd.to: General Fund (1502.01) Rental of General Property  
 250.00 approp.to: General Fund (7101-5413.01) Parks & Playgrounds- Other Oper. Exp.  
 169.52 approp.to: General Fund (7104-5413.01) Comm.Act.Center- Other Oper.Exp.  
 1,500.00 approp.to: General Fund (7101-7013.01) Cap.Outlay-Land Imp.

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

Assistant City Manager Baker presented an agreement between Lantz-Eby Enterprises and the City of Harrisonburg, for conveyance of various strips of land to the city for future streets, as well as Mt. Clinton Pike extension. The Mayor referred the agreement to the City Attorney for review, and asked the City Manager to place the matter on Council's agenda for the next regular meeting.

City Manager Milam presented a proposal amending water & sewer rates, as well as other charges, necessary to meet various obligations, including those set out by the Annexation Court, increase in O & M Charge, new developments that were not anticipated, etc. He offered an opinion that the city will be able to survive the coming year in its obligation toward improvements at the regional sewer plant; by increasing rates, thus eliminating the need to borrow funds. He reviewed the proposed increases as follows:

City Water Rates:

0 to 25,000 gallons from \$ 1.26 per 1,000 gallons, to \$ 1.58  
 Next 25,000 to 250,000 gallons from \$ 1.09 per 1,000 gallons, to \$ 1.36  
 All over 250,000 gallons from \$ 0.83 per 1,000 gallons, to \$ 1.04  
 Minimum Charge from \$ 3.00 to \$ 3.75 per month

Rural Water Rates:

0 to 25,000 gallons from \$ 2.52 per 1,000 gallons to \$ 3.16  
 Next 25,000 gallons to 250,000 gallons from \$ 2.18 per 1,000 gallons to \$ 2.72  
 All over 250,000 gallons from \$ 1.66 per 1,000 gallons, to \$ 2.08

City Sewer Rates:

0 to 25,000 gallons from \$ 2.00 per 1,000 gallons, to \$ 2.50  
 Next 25,000 gallons to 250,000 gallons from \$ 1.87 per 1,000 gallons to \$ 2.34  
 All over 250,000 gallons from \$ 1.61 per 1,000 gallons, to \$ 2.01.  
 (rates include authority O & M and debt charge)  
 Minimum charge from \$ 4.62 per month to \$ 5.77

Rural Sewer Rates:

0 to 25,000 gallons from \$ 4.00 per 1,000 gallons, to \$ 5.00  
 Next 25,000 gallons to 250,000 gallons from \$ 3.74 per 1,000 gallons to \$ 4.68  
 All over 250,000 gallons from \$ 3.22 per 1,000 gallons, to \$ 4.02  
 Rockingham County (East 33 Agreement) from \$0.66 per 1,000 gallons to \$ 0.83

Proposed increases were also reviewed for: Minimum charges per month by meter or pipe size (city and rural); reconnection charges; service connection charge; availability fees (city & rural) connection fees; tapping charges for sprinkler systems; charges for running sewer service lines to applicants' property lines (single family and commercial). Council Member Shank offered a motion for the proposed rates to be approved, with ordinance approved for a first reading, and referred to the City Attorney to be drawn in proper form. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous recorded vote of Council.

City Manager Milam presented the recap of bids received for Sanitary Sewer Improvements-Division I, Lower Ridgeville Interceptor, as submitted by the Water/Sewer Superintendent, as follows: M.E.Humphries, General Contractor, \$ 124,310.00; Atlantic Coast Contractors, Inc., \$ 143,764.00; Long Excavating, Inc., \$ 166,791.00. He recommended that the low bid of M.E.Humphries be rejected, with re-bidding of the project at a later date. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the recommended bid rejection, was approved.

✓ For consideration of a first 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 noted that the ordinance would become effective as of July 1, 1987, and is a requirement under Section 46.1-188 of the Virginia Code, as amended. The ordinance must be approved annually by localities, in order to keep local codes in compliance with the state code insofar as new laws concerning motor vehicles, which are passed by the General Assembly, in effect. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous recorded vote of Council, the ordinance was approved for a first reading.

For the purpose of notification to the news media, City Manager Milam said he would be sending out agendas for a joint meeting of the City/County Liaison Committee, to be held next Tuesday evening, June 16th, 7:30 p.m. Purpose of the meeting will be to receive detailed presentation on the results of office space needs study.

✓ The possibility of surface treating an alley at the Harrisonburg Mennonite Church was brought to Council's attention, and will be looked into, insofar as whether or not the alley has been dedicated, etc.

✓ The Vice-Mayor called attention to a dangerous situation on Ott Street, between Paul and West View Streets, where a water meter is above the sidewalk. The City Manager was asked to have the situation investigated.

At 11:15 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 12:28 a.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

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

Vice-Mayor Dingleline called the meeting to order, and presided, in the Mayor's absence.

Minutes of the regular meeting held on June 9th were approved, as corrected.

City Manager Milam called attention to correspondence from Attorney Steven Blatt, on behalf of Broadway Electric, Inc., which correspondence had also been sent to the Massanutten Vocational-Technical Center, County Board of Supervisors, Harrisonburg School Board and Rockingham County School Board. The correspondence noted a Bid Protest by the firm, from the standpoint of a decision to award a contract for the electronic key telephone system, to Telephone Systems & Services Corporation, when the low bid had been submitted by Broadway Electric, Inc. Manager Milam recommended that the correspondence received by City Council, be referred back to the City School Board, in that Council does not get involved in school related bids. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the correspondence was so referred.

Correspondence was presented from homeowners in the Sunset Heights-Westover neighborhood, namely: David and Helen Hanson, 1118 S. Dogwood Drive, and Joyce and George Wead, 1048 S. Dogwood Drive. The correspondence listed five requests for various safety measures in order that the residential nature of the neighborhood may be preserved, which can be accomplished if S. Dogwood is not extended through to Erickson, and if a western by-pass is developed. City Manager Milam noted that he and the Vice-Mayor had met with a group from the area, on request, concerning the issue, with determination that some of the suggestions could be handled by the Chief of Police, while those relating to signs, light, etc., should be referred to the Harrisonburg Transportation Safety Commission. Council Member Rhodes, a member of the Safety Commission, said that items 2 and 3 in the correspondence referring to 4-way stop signs at the intersections of S. Dogwood Drive and South Avenue, and at S. Dogwood and Neyland Drive; and moving traffic light from West Market and Willow Streets to Market and South Dogwood, had been considered by the Commission. He offered a motion for the correspondence to be referred to the Transportation Safety Commission for review and report back to Council. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

Vice-Mayor Dingleline informed members present that on request, he had signed a Resolution, proclaiming the week of June 21 - 27 as Physical Therapy Week in Harrisonburg, and that the Clerk would place the city's seal on the document.

At 8:00 p.m., Vice-Mayor Dingleline 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 June 4th and June 18th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 23, 1987, at 7:30 p.m. in the City Council Chambers to consider the following rezoning case:*

*To rezone approximately 100 acres of the Martin Z. Eby farm and Russell A. Curro's dwelling and property from R-3 Residential District to M-1 Industrial District. These properties are located on the east side of N. Liberty Street in the newly annexed area north of Charles Street.*

*The Harrisonburg Land Use Plan will also be considered for amendment, to reflect the future change in land.*

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

*Marvin B. Milam, City Manager*

Attention was called to the following Planning Commission report which had been presented to City Council on June 9, 1987:

*"...Attorney Larry Hoover, Jr. described a map illustrating the Martin Eby Farm, located on the east side of N. Liberty Street, north of Charles Street. He noted that Surveyor R.E. Funk has added lines to indicate future rights-of-way for new streets. The map also indicates various sized parcels for industrial development, if rezoned. Approximately 100 acres are proposed for rezoning from R-2 Residential to M-1 Industrial. Chairman Trobaugh asked why the request has been made. Mr. Eby stated he has had some inquiries from industrial and commercial developers, Rockingham Development Corporation has listed the farm as available for industries, and the land along the west side of N. Liberty Street is zoned M-1 Industrial.*

*Mr. Russell Curro, 1570 N. Liberty Street, stated that he supports the rezoning of Mr. Eby's land, plus the 1/2 acre he owns which is surrounded by the Eby property.*

*Mrs. Agnes Weaver, 241 Campbell Street, asked how this proposed change will affect the streets in the area. Will they have to be widened? Mr. Hoover stated that extension of Mt. Clinton Pike across the Eby Farm will be a 'joint venture' involving the city, state and developers of the site. Mr. Milam reported that the city will encourage trucks to use Exit 65 of Interstate 81 and use U.S. Route 11, North Main and Charles Streets as main routes to and from the northern industrial sites. Extension of Mt. Clinton Pike will obviously help and is part of the City's Major Thoroughfare Plan. He asked Mr. Eby if he is willing to give the City at least a 10' strip of land along the east side of North Liberty Street, plus the 60' rights-of-way across his farm as shown on Mr. Funk's map. Mr. Eby said he is willing to.*

*The Director reviewed the City's Land Use Plan, pointing out that adding 100 acres to the industrial uses will increase industrial land in the annexed territory to 1,430 acres, or 22% of the new territory. At present, 21% is categorized industrial.*

*Mr. Heath concluded the discussion with a motion for the Commission to recommend rezoning 100 acres of the Martin Eby farm, plus Mr. Curro's 1/2 acre, from R-2 Res. to M-1 Industrial, subject to Mr. Eby's agreement to donate a 10' strip of land on N. Liberty Street's east side and two 60' rights-of-way as shown on Mr. Funk's map. In addition, the City's Land Use Plan is recommended for amendment to reflect the 100 acre industrial designation. Mr. Hartman seconded the motion and all members voted aye..."*

Planning Director Sullivan reviewed the location of the 100 acre site, referring to the Land Use Plan. He noted that if rezoned, the annexed industrial acreage will be increased by 1%, with the area to be comprised of both industrial and general business activities. The Commission recommended this rezoning as well as the 1/2 acre owned by Mr. Curro. The Vice-Mayor called on anyone present, desiring to be heard, either for or against the rezoning issue. Mr. Eby noted the fact that there is industrial zoning on the west side of Liberty Street. There being no others desiring to be heard, the Hearing was closed at 8:06 p.m. and the regular session reconvened.

Council Member Rhodes questioned the deadline for completion of the proposed 60' street as January 1, 1990. City Manager Milam noted that the 1990 date had been proposed by Attorney Hoover and Mr. Eby, and said that since that time, "we have not been able to acquire rights-of-way, which will depend upon Mr. Eby's proposition." He suggested that the words "will attempt" be added in the agreement language, relating to the deadline for completion. He further expressed a hope that between now and 1990, Mr. Eby and R.D.C. will be able to acquire new industries, with negotiations at that time, with the new owner(s). City Attorney Thumm called attention to the proposed agreement which he had reviewed and revised with an added statement under the first paragraph, which was based on a problem mentioned by Council Member Rhodes of a small portion of the tract being located in Rockingham County. During discussion, question was raised in Council, concerning location of the proposed street, under paragraph 6, in that it included the Moore property. Attorney Hoover suggested that the paragraph be amended, in that this agreement applies only to the extension of Mt. Clinton Pike where the Eby Land is involved, with commitment applying only to this property. Council Member Robinson offered a motion for the Planning Commission's recommendation to rezone the Eby and Curro properties, to be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council Members present. Vice-Mayor Dingledine suggested that the paragraph under paragraph 6 to state "will attempt to complete by 1990" and further, to clarify that only the Eby land is involved insofar as the 60' street. Council Member Rhodes then offered a motion for the agreement to be approved, as amended, with referral back to the City Attorney for the changes under paragraph 6. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council Members present.

✓ City Manager Milam presented and read the following report from the City Planning Commission's meeting held on June 17th:

*"...Chairman Trobaugh reviewed the history of the Commission's study and re-writing of Harrisonburg's Zoning Ordinance. Public Hearings were held in October of 1986 and on May 20, 1987. The Commission made a few minor adjustments to the proposed text during its special public workshop session on June 10th.*

*Mr. Hughes moved for the Commission to recommend the proposed Zoning Ordinance be presented to the City Council for its study and consideration. Mr. Hartman seconded the motion and all members present voted in favor..."*

Planning Director Sullivan informed Council that he had the first four copies of the Report this evening, the proposed new 82 page Zoning Text. He noted that the present ordinance has been amended from time to time, with some changes made since a publication of May 5th in the Daily News Record newspaper. One change will make allowance for Conditional Zoning, while various definition changes are set out in the new text, as well as a requirement for off-street parking in residential and commercial areas. The Director said he would supply copies of all pertinent information concerning the Zoning Text, prior to a public hearing by Council. City Manager Milam suggested Council's public hearing for the second regular meeting in July. Council Member Rhodes offered a motion for the Planning Commission report to be accepted, and a public hearing scheduled for Tuesday, July 28th, 7:30 p.m. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

✓ The following Planning Commission report was presented from its meeting held on June 17th:

"...Mr. D. P. Davis, Jr., President of Rockingham Development Corporation, spoke on behalf of the Rockingham County Board of Supervisors. Mr. Davis told the Commissioners that the 77 acres of County Farm property within the City is more suitable for industrial development. It is adjacent to the railroad and existing industries on Pleasant Valley Road. He added that R.D.C. and the County want to list the property as a prospective industrial site or sites with the Virginia Industrial Certification Program. Mr. Sullivan referred to a March 23, 1987 map by Patton, Harris, Rust and Associates, dividing the 77 acres into four large parcels, served by a new street which would come off Greendale Road. This plan of development is considered a guide for industrial site selection. Mr. Hughes asked if this site is the one suggested by Geisler Smith Associates as a future location for a county office complex. Mr. Davis said it was not, as far as he was aware. Mr. Milam stated that the 77 acre site is part of the County's 150 acre property, half of which is east of the city limits and accessible only by Route 711. The County Landfill is on the east end of this property.

Hearing no opposition to the request, Mr. Heath moved for the Commission to recommend that the County Farm's 77 acres within the City be rezoned from R-1 Single Family Residential to M-1 Industrial District. Mrs. Shapiro seconded the motion. Voting in favor: Mr. Heath, Mrs. Shapiro, Mr. Hartman, Mr. Trobaugh; voting against: none; abstaining: Mr. Milam and Mr. Hughes..."

Planning Director Sullivan pointed out the location on a Zoning Map, and noted that if rezoned, it would "up" the Industrial District by 1%. Council Member Robinson moved that the report of the Commission be accepted, with public hearing scheduled for Tuesday, July 14th, 7:30 p.m. 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 its June 17th meeting:

"...Attorney Steve Weaver, representing D.M.I. Corporation of Williamsburg, told the Commission that his clients have an option to buy the 5-acre Keagy property if it is rezoned from R-1 to R-3. Mr. Weaver described a plan of development, illustrating 48 townhouse units with 128 parking spaces plus green space. In addition, a large parking lot on the southwest end of the 5-acres will be constructed for 'overflow' parking to serve adjacent Hunter's Ridge, D.M.I.'s first Harrisonburg housing project. Mr. Weaver also noted that only 48 units on the 5-acres means a moderate density of only 10 units per acre, as promised by D.M.I. in an earlier presentation for a zoning change. If the townhouse layout is not marketable, Mr. Weaver said his clients would build four 12-unit buildings (48 units) like the ones in Hunter's Ridge. Mrs. Shapiro asked if the pine trees on the southwest end of the site can be saved. Mr. Dixon, Project Manager, said Mr. Nichols hopes to relocate some of them, as landscaping will be an important feature of this project. Mr. Lester Higgs of 775 Port Republic Road said he was not in favor of the rezoning; the area has enough multiple housing, noise and trash. He asked who would clean up the trash that will end up on his property. Hunter's Ridge resident manager Dixon said he will be fully responsible for seeing to it that such matters will be policed 'full-time.'

Mr. Hartman concluded the discussion with a motion for the Commission to recommend that the Keagy property at 735 Port Republic Road be rezoned from R-1 Single Family Residential to R-3 Multiple Dwelling District. Mr. Hughes seconded the motion and all members present voted in favor..."

Council Member Rhodes offered a motion for the report of the Planning Commission to be accepted, with public hearing scheduled for Tuesday, July 14th, 7:30 p.m. 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 June 17th meeting, was presented:

"...Mr. A.D. Wise told the Commission that he desires to lease his vacant service station at 1740 Country Club Road for a craft shop, but discovered that the property had been zoned R-1 Single Family Residential after being annexed in 1983. The building had been a service station for years, and as recently as 2 years ago, it was leased to a car rental agency. Mr. Wise also said he may open a travel agency in one of the two houses on the property. Adjacent home owners were present, but did not speak.

Mr. Heath, noting that the request would be an addition to the M-1 District located on the west side of the Wise property, moved for the Commission to recommend rezoning of the 2-acre A.D. Wise property from R-2 to M-1 Industrial. Mr. Hartman seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the location on a map as south of Rocco Hatchery on Country Club Road. He noted that the present R-1 zone was established a year or so ago. He noted that it was felt that rather than crossing the street with B-2 General Business Zoning, it would be better to extend the M-1 Industrial District to include the small area in request. Council Member Robinson moved that the report be accepted, with public hearing scheduled for Tuesday, July 14th, 7:30 p.m. 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 its meeting held on June 17th:

"...Attorney Jim Lane, representing Mr. Robert Cook, described a proposed 1.3 acre commercial subdivision to be developed on Pleasant Hill Road adjacent to the KJ Convenience Store. Seven professional office parcels, plus a common open space for traffic flow, parking and landscaping will make up the professional office development. A 10' strip of land along Pleasant Hill Road will be dedicated to the City at a later date, if the City agrees to this arrangement. Mr. Lane said that Mr. Cook will provide a written statement for the City Council regarding this dedication. Surveyor David Ingram reported that he and Mr. Cook have met with City Staff and agreements have been made regarding the storm water, ingress and egress and parking lot design.

Mr. Heath moved for the Commission to recommend approval of the Pleasant Hill Road Professional Office Subdivision, to be accompanied with a written statement from Mr. Robert L. Cook concerning a 10' future dedication of land along Pleasant Hill Road. Mr. Hughes seconded the motion and all members present, voted in favor..."

Planning Director Sullivan presented a larger map, setting out the Subdivision Plan of a series of small lots, plus a large open common space for parking. He noted that the property is currently vacant, but used to be where automobiles were stored by a bank. The lots will be within an approximate 1/2 acre, facing the parking area, with appropriate setbacks, landscaping, etc. He noted that the Single Family area in the rear, has its own screening. Mr. Sullivan presented the letter which had been requested of Mr. Cook, expressing his willingness to donate the 10' strip along Pleasant Hill Road, which will widen the road from a 40' right-of-way to a 60' street. 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 Members present.

The following Planning Commission report was presented, from its June 17th meeting:

*"...Mr. J.R. Copper explained to the Commission that Section 3 of Stonefield Village Subdivision, a 20-lot single family layout on Viewmont Court, had been approved in October 1986. Due to a house design and the dimensions of Lot 54, said lot needs to be enlarged. Consequently, the sizes of Lots 55 through 64 must also be changed slightly. Mr. Copper noted that all lots on the revised map of Section 3 will have over the 7,000 square feet of minimum size required in R-2 Residential Districts for single family dwellings. Mr. Sullivan pointed out that a 10' utility easement has also been added to the subdivision, along the north boundary from Lot 55 through Lot 64.*

*Mr. Heath moved for the Commission to recommend approval of revised Section 3 of Stonefield Village Subdivision. Mr. Hartman seconded the motion which passed unanimously..."*

Mr. Copper called attention to both plats (original and revised), and noted that when the original subdivision was designed, a necessary easement was overlooked. Additional footage is being removed from one lot and distributed to others, in order to provide the minimum square footage requirement. The owner/developer noted that no new lots were being created. 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 report from a City Planning Commission meeting held on June 17th:

*"...The Commissioners were oriented to the development plan of Summit Heights, showing East Gay Street extending into a cul-de-sac. The 5.5 acre parcel is proposed as an apartment complex of 52 units. Seven lots will face East Gay Street and one large lot of over 105,000 square feet will be in the south portion of the site. Mr. Copper reported that the engineering and utility plans have been approved by the City. Owner/Developer Ken Kline is requesting approval of the Final Plan of Summit Heights Subdivision as redrawn on June 8, 1987. Previously approved townhouse lots will be vacated before the revised plan can be recorded. Mr. Hughes moved for the Commission to recommend approval of the revised Final Plan of Summit Heights Subdivision. Mr. Milam seconded the motion which passed unanimously..."*

Planning Director Sullivan presented a large scale map showing the extension of East Gay Street, terminating in a cul-de-sac. Four houses are planned in the area zoned R-2 Residential. He presented another map, revised, to include many things that were missing from the original map (i.e. easements, drainage, and a major water line from the city's reservoirs which cuts through the subdivision). He noted that East Gay will be a better situation if terminated in the cul-de-sac fashion, in that new townhouses are under construction, which will block E. Gay from ever reaching Tower Street. Mr. Copper asked if the subdivision will be "grandfathered in" under the present Zoning Ordinance, in that the development is not permissible under an R-2 Zone, as proposed in the new ordinance, or will they have to apply for a building permit to come under the new ordinance. City Attorney Thumma said he would assume that the subdivision, if approved under the present ordinance, should represent the "grandfathered" status. City Manager Milam pointed out that the City is changing the zoning on all lots in the City, and offered an opinion that a building permit be required, prior to approval of the new Zoning Ordinance. Vice-Mayor Dingleline asked the City Attorney to clarify the situation prior to Council's next meeting. Following discussion, Council Member Robinson 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 Members present.

The following Planning Commission report from a meeting held on June 17th, was presented:

*Mr. George Foard, representing A & J Development and Excavation, Inc., explained that proposed Unit 20B of Reherd Acres Subdivision is part of an overall 40-unit townhouse project on the east side of Blue Ridge Drive. Engineering and construction plans were approved by the City in August 1986. Proposed Unit 20B will have 13 townhouse lots, seven of which will face Goldfinch Drive and the remaining six will face an interior parking area. Mr. Foard reported that Goldfinch Drive is now under construction, plus water and sewer lines are in place to serve this new section.*

*Mr. Heath moved for the Commission to recommend approval of Reherd Acres, Unit 20B. Mr. Hughes seconded the motion which passed unanimously..."*

Planning Director Sullivan pointed out location of Unit 20B on a map, noting that the property is going for townhouses, rather than duplex. Mr. Foard informed Council that Goldfinch Drive is under contract, and Mr. Sullivan then asked that wording in the Commission's report be changed from "under construction", to "ready for construction." He added the fact that the Commission is having trouble getting things in place, before people are moving into developments. City Manager Milam said the Fire Chief has been in touch with the City Attorney, in that there is no accessibility for emergency vehicles, in the event of an emergency, or accident. Efforts are underway to straighten out the situation, rather than having to stop the project. City Attorney Thumma said he understands, in talking with Attorney Hoover and Building Official Byrd, that the situation will be cleared up, prior to issuance of a building permit. Mr. Sullivan noted that Goldfinch Drive was a part of Section 17, comprised of duplex units on the south side, and a Letter of Credit for the section is on file. This road will serve another development, by the same developer. It is going well with construction of the buildings, but not insofar as streets, water and sewer. Physical work has not been undertaken insofar as Goldfinch Drive." Following discussion, Council Member Rhodes offered a motion for action to be delayed on the Final Plan for Unit 20B, to allow time for the owner to be invited to Council's next meeting for further discussion and clarification of certain existing situations. 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 June 17th meeting, was presented:

"...Attorney Steve Weaver described the overall plan of development of Hidden Creek Subdivision, explaining that 48 multiple dwelling units will be built in Section 3. All units will be served by South Dogwood Drive extended. Surveyor George Foard showed a preliminary site plan of Section 3, and also requested that a Final Plan of Section 3 be accepted. It illustrates two parcels, separated by the 60' right-of-way for extension of S. Dogwood Drive. Mr. Weaver added that he desires approval before the proposed Zoning Ordinance amendments may occur.

Mr. Hartman concluded the discussion with a motion to recommend approval of the Final Plan for Section 3, Hidden Creek Subdivision. Mrs. Shapiro seconded the motion which passed unanimously..."

Planning Director Sullivan pointed out location of the subdivision on a map, and noted that South Dogwood Drive will end in a temporary cul-de-sac, which is part of an overall plan for Hidden Creek Subdivision. 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 June 17th meeting:

"...Mr. J.R. Copper showed an overall map of the Deyerle Land, Inc., which indicated several proposed streets plus existing ones, such as University Blvd. and Reservoir Street. Proposed Deyerle Subdivision, Section 3, has one lot with frontage on University Boulevard's south side. It will be 200' east of Reservoir Street, and adjacent to a future unnamed street. The new street is not being presented as part of this request. The purchaser of the proposed lot will be responsible for curbing, gutters and adding a lane along University Boulevard for a distance of 175'.

Mr. Heath moved for the Commission to recommend approval of the Deyerle Subdivision, Section 3. Mr. Hughes seconded the motion which passed unanimously..."

Mr. Bill Neff pointed out the location on a large map, noting that the building for Harrisonburg Family Practice is under construction. The contract includes curb & gutter, as well as acceleration and deceleration lanes. 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.

The following Planning Commission report, from its June 17th meeting, was presented:

"...The Commissioners reviewed a proposed re-subdivision of Greystone Subdivision, Section 1. Surveyor J. R. Copper oriented the Commissioners to the Block Map, explaining that the owners, Mr. Winston O. Weaver and his sons, desire to consolidate various parcels into one large parcel, but also form a new and longer lot along the frontage of Greystone Street. He noted that a series of mini-storage buildings occupy the Weaver properties. Mr. Hughes moved for the Commission to recommend approval of the re-subdivision of Greystone Subdivision, Section 1.

Mr. Hartman seconded the motion which passed unanimously..."

Mr. Copper pointed out the area on a map, and noted that they would come back to Council for vacation of interior property lines, if tonight's request was approved. Result of the resubdivision will be one continuous tract with one property owner. On motion of Council Member Rhodes, seconded by Council Member Robinson, 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 June 17th meeting :

"...The Commissioners studied a plat by Land Surveyor Robert Shiflet, showing the division of Martha W. Spitzer's lot at 1010 Greystone Street. An existing commercial building houses two businesses (Spitzer's Machine Shop and Valley Rolltop Desk Works, Inc.). If divided, each business will own the separate lots, i.e. parcel 1 and parcel 2. Off-street parking exists in front of the structure. Mr. Hughes moved for the Commission to recommend approval of the Martha W. Spitzer re-subdivision. Mrs. Shapiro seconded the motion. All members present voted in favor..."

Council Member Robinson 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 Members present.

City Manager Milam reminded Council Members present, that consideration should be given this evening to a first reading of an ordinance supporting the franchise agreement with Warner Cable Communications, Inc. He presented an ordinance entitled "An Ordinance Granting Cable Television Franchise" as drawn by the City Attorney, which ordinance adopts the Proposal submitted by the cable firm, as well as the Agreement which has been worked out by Warner's attorney and the City's special counsel. Manager Milam said he had advised the attorneys that it would not be necessary for them to be present in this evening's meeting, when a first reading is considered, but that he would make them aware of any additional comments which may be received. Vice-Mayor Dingleline noted that extensive consideration of the Proposal was given, at the last meeting of Council. The ordinance was then read, as follows:

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

That an ordinance granting a cable television franchise be enacted as set forth in an agreement entitled An Ordinance Granting Cable Television and all exhibits attached to said agreement. That any previous ordinance granting a cable television franchise is hereby repealed.

Vice-Mayor Dingleline noted that both Mayor Green and Council Member Shank, absent from this meeting, have expressed that they feel comfortable with the proposal. 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.

City Attorney Thumma presented four separate ordinances, setting out increases in rates and charges relating to water and sewer, which had been approved for first reading at the last regular meeting, under one motion. City Manager Milam read each ordinance, in its entirety, with the following actions taken:

1. Ordinance amending and re-enacting Section 7-4-1 of the City Code entitled "Schedule of rates and charges generally." On motion of Council Member

Rhodes, seconded by Council Member Robinson, and a unanimous recorded vote of Council Members present, the ordinance was approved for second & final reading. (Ord. Bk L, pages 91-93).

2. Ordinance amending and re-enacting Section 7-4-22 of the City Code entitled "Charges for running water service lines to applicant's property line generally and installation of meters." On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous recorded vote of Council Members present, the ordinance was approved for second & final reading. (Ord. Bk L, page 94).
3. Ordinance amending and re-enacting Section 7-4-24 of the City Code entitled "Tapping charges for sprinkler systems." On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous recorded vote of Council Members present, the ordinance was approved for second & final reading. (Ord. Bk L, page 95).
4. Ordinance amending and re-enacting Section 7-4-41 of the City Code entitled "Charge for running sewer service lines to applicants' property line generally." On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous recorded vote of Council Members present, the ordinance was approved for second and final reading. (Ord. Bk L, page 96).

For consideration of a second & final reading, City Manager Milam presented an Ordinance amending and re-enacting Section 13-1-3 of the City Code, entitled "Adoption of state law." City Attorney Thumma explained that under a requirement of the Code of Virginia, all localities must adopt this ordinance, annually, in order to keep local codes in compliance with the state law, insofar as new laws concerning driving under the influence, etc., which are passed by the General Assembly. On motion of Council Member Robinson, seconded by Council Member Rhodes, 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. (Refer to Ord. Bk L, page 97).

City Manager Milam presented correspondence from City Treasurer Beverly Miller, requesting authorization to charge off, as uncollectible, 1982 Personal Property taxes in amount of \$ 4,078.96, and 1983 Personal Property taxes in amount of \$ 4,793.75. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, the City Treasurer was so authorized.

City Manager Milam informed Council Members present that a communication had been received from the Department of Employee Relations, Commonwealth of Virginia, advising that the 1987 General Assembly passed several Bills which affect rights of public employees, with request for amendments to be adopted prior to July 1st. He presented the following proposed resolution for consideration of approval:

*WHEREAS, the 1987 General Assembly passed several Bills which affect the grievance rights of public employees; and*

*WHEREAS, Senate Bill 529, as set out herewith, mandates changes to the state grievance procedures, to become effective as of July 1, 1987:*

*Senate Bill 529:*

*This Bill amends the state grievance procedure to permit an employee who has been reinstated by a grievance panel to grieve a termination, layoff, demotion or suspension from duties because of lack of work, reduction in job force or job abolition that occurs within six months of reinstatement. Such agency action would be upheld by a panel upon a showing by the agency that there was a valid business reason for the action and that the employee was notified of such reason in writing prior to the effective date of the action; and*

*WHEREAS, Local Governments are requested to submit, for approval, a Resolution Amending the Grievance Procedure; and*

*WHEREAS, Harrisonburg proposes to amend Section 7.2 entitled "Grievances" (refer to Chap. 5, Sec. 3-5-1 of the Harrisonburg City Code), in order to bring the City's Grievance Procedure into compliance with Senate Bill 529; and*

*WHEREAS, the present language of a portion of Section 7.2 reads as follows:*

*Nongrievable issues include: 1) establishment and revision of wages or salaries, position classifications or general benefits; 2) work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content; 3) the contents of ordinances, statutes or established personnel policies, procedures, rules and regulations including law and policy established by City Council; 4) failure to promote except where the employee can show established promotional policies and procedures were not followed or applied fairly; 5) the methods, means and personnel by which such work activities are to be carried on; 6) termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition; 7) the hiring, promotion, transfer, assignment and retention of employees within the agency; and 8) the relief of employees from duties of the agency in emergencies.*

*NOW, THEREFORE, BE IT RESOLVED that Section 7.2 be amended as follows:*

*Nongrievable issues include: 1) establishment and revision of wages or salaries, position classifications or general benefits; 2) work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content; 3) the contents of ordinances, statutes or established personnel policies, procedures, rules and regulations including law and policy established by City Council;*

4) failure to promote except where the employee can show established promotional policies and procedures were not followed or applied fairly; 5) the methods, means and personnel by which such work activities are to be carried on; 6) termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition--except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance; 7) the hiring, promotion, transfer, assignment and retention of employees within the agency; and 8) the relief of employees from duties of the agency in emergencies. In any grievance brought under the exception to number 6 above, the action shall be upheld upon a showing by the agency that: 1) there was a valid business reason for the action, and 2) the employee was notified of such reason in writing prior to the effective date of the action.

This Resolution shall be in effect as of July 1, 1987.  
ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

Atteste:

Clerk

On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the Resolution was approved.

The following Resolution was presented by the City Manager, for consideration of approval:

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 Waste Management, Division of Litter Control and Recycling, 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,

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council

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

HEREBY authorizes Roger D. Baker, Assistant 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 Waste Management, Division of Litter Control and Recycling, to consider and approve said application and Program, said Program being in accord with the regulations governing use and expenditure of said funds.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

Clerk of Council

On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, the Resolution was approved. Vice-Mayor Dingledine said he would like to express appreciation to the Pilot Club of Harrisonburg for its interest and efforts in keeping the city litter-free.

Vice-Mayor Dingledine called attention to correspondence from Mr. Joseph Walker, Director, Division of Court Services, informing the City Manager of the expiration of Mr. James Gilkeson, Jr.'s first term on the Diversionary Program Community Corrections Resources Board, as of June 30, 1987. It was noted that Mr. Gilkeson had expressed a desire to remain the representative of Harrisonburg, should the City Council so desire. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, Mr. Gilkeson was reappointed to a second term of one year, expiring on June 30, 1988.

City Manager Milam called attention to a letter from School Superintendent Alan Hiner which had been received, and read the following proposed resolution, prepared by the Board and signed by its Chairman, Mr. Carson Moore, for Council's consideration of approval:

WHEREAS, the Harrisonburg City School Board has requested the Harrisonburg City Council to make an application to the Virginia Public School Authority to participate in the bond issue in 1987 to provide up to \$ 12,500,000 for the construction of a new middle school and \$ 3,500,000 for renovations to the Thomas Harrisonburg Junior High School and the Harrisonburg High School,

NOW, THEREFORE, BE IT RESOLVED, that the city make an application for such funding through the Virginia Public School Authority and the city manager is authorized to file the appropriate applications for this financing.

This resolution was adopted by motion of \_\_\_\_\_, seconded by \_\_\_\_\_, at a meeting of the Harrisonburg City Council held on June 23, 1987.

Atteste:

Clerk

City Attorney Thumma noted that the bonds, if approved, would be delivered during the first part of July, and noted that Council could make a final decision on whether or not the bonds should be issued. He presented the following amended resolution, submitted by the School Board, for consideration:

WHEREAS, the Harrisonburg City School Board has requested the Harrisonburg City Council to make an application to the Virginia Public School Authority to participate in its Fall 1987 bond issue to provide up to \$ 12,500,000 for the construction of a new middle school and \$ 3,500,000 for renovations to the Thomas Harrisonburg Junior High School and the Harrisonburg High School; and

WHEREAS, the applications must be filed by June 30, 1987 and are made, on the condition that the City will not be contractually obligated to issue bonds until it has approved Bond Sale Agreements prepared and presented by the Virginia Public School Authority which are expected to be delivered during July, 1987; and

WHEREAS, the Council desires to file the application reserving the right to make its final decision on the issuance of the bonds in July,

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City make an application to the Virginia Public School Authority to begin the process of possible participation in the Fall 1987 Virginia Public School Authority bond issue and the City Manager is authorized to file in conjunction with the Harrisonburg City School Board the appropriate applications for this financing.

2. The City School Board's appointment of Wharton, Aldhizer & Weaver as bond counsel to assist in this proposed financing is hereby approved.

This Resolution was adopted by a motion of \_\_\_\_\_, seconded by \_\_\_\_\_ at a meeting of the Harrisonburg City Council on June 23, 1987.

\_\_\_\_\_  
Vice-Mayor

Atteste:

\_\_\_\_\_  
Clerk

Superintendent Hiner said he appreciated circumstances before City Council, but noted a problem of the School Board in getting its application in for the VPSA Funding Program. He pointed out the fact that a portion of the Lineweaver land has been deeded over to the School Board by the City, and approval granted for a Literary Fund Loan. The proposed projects are not eligible under the Literary Fund, due to the "skimming of funds". The Resolution must be approved, with application received by June 30th in order to be considered on the bond sale. Attorney George H. Roberts, Jr. of the law firm of Wharton, Aldhizer & Weaver, presented copies of a letter he had drafted this day, concerning the proposed issue. He noted that the VPSA is a conduit financier and allows localities to package bond issues, whereas the localities will come together twice a year for this purpose, with the state issuing up to \$40 million in bonds. If the School Board's application is not received by June 30th, there will be no issue during 1987. When question was raised by Council Member Robinson concerning method of payment on the bonds, Attorney Roberts said that annual payments would be made on the principal and semi-annual payments on the interest. Council Member Robinson noted he had received a call from Council Member Shank, who is out of town, and that he had some questions about the new middle school and renovations at Thomas Harrison Junior High and Harrisonburg High Schools. City Attorney Thumma referred to Section 57 of the City Charter, which sets out a requirement for a 3-day interim on any ordinance or resolution appropriating funds in excess of \$ 1,000, from time of request. He offered an opinion that if the resolution is approved at this time, two readings may be necessary. Attorney Roberts pointed out that under the resolution which is before Council at this time, terms are not being authorized. Attorney Thumma said he would prefer a second reading in that the possibility is there, that if the Code is not complied with, the City could find itself in court, with a lawsuit. School Board Chairman Moore said that approval of the resolution is needed now, in that the site preparation for the new school may be done in October and November, so construction can begin next spring. If a second reading on the resolution is required, it would have to be done before the end of June. Vice-Mayor Dingledine suggested that in view of the code section, requiring a 3-day interim, the City Manager be asked to send out a Special Meeting Call for Monday the 29th, in order to comply. Attorney Thumma said that a second reading would not be required, but noted that a full Council would be in session on Monday, for consideration of the proposed Resolution, and may also wish to consider some alternative methods of financing. It was noted that prior to August 1st, Council will have to actually authorize the borrowing of money. Council Member Rhodes said he has some problem about the \$16 million and was not comfortable with the Board's proposed Resolution. He added that it is not the intent of Council to delay anyone, but merely to "clear the air." He offered a motion for the City Manager to be authorized to send out a special meeting call for Monday the 29th, with time to be determined. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present. Vice-Mayor Dingledine noted that Monday's meeting would be for the purpose of considering some action on the resolution for application for funding, with a public meeting to be scheduled later, concerning the schools' projects.

At 10:25 p.m., on motion of Council Member Robinson, seconded by Council Member Rhodes; and a unanimous vote of Council Members present, Council entered an executive session to discuss real estate matters.

At 11:00 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened and adjourned.

  
CLERK

  
VICE-MAYOR

Monday, June 29, 1987

At a special 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.

City Manager Milam read the following Meeting Call, signed by all members of the governing body:

*An emergency existing, there will be a special meeting of the City Council, to be held in the Council Chamber on Monday, June 29, 1987, 7:30 p.m., to consider the following matters and take necessary action thereon:*

- 1. Roll call.*
- 2. Proposed Resolution by the Harrisonburg City Council to authorize an application to the Virginia Public School Authority for possible bond issue participation in September, 1987.*

Vice-Mayor Dingleline noted that this evening's meeting was called in order that a full Council may be in session, to consider a proposed revised resolution which had been prepared by the City School Board, and presented to Council at the regular meeting held on June 23rd. Purpose of the resolution is authorization for the School Board to borrow funds through the Virginia Public School Authority for the construction of a new middle school on the Lineweaver Land, and renovations to the Thomas Harrison Junior High and Harrisonburg High Schools. He read the proposed resolution as follows:

*WHEREAS, the Harrisonburg City School Board has requested the Harrisonburg City Council to make an application to the Virginia Public School Authority to participate*

in its Fall 1987 bond issue to provide up to \$ 12,500,000 for the construction of a new middle school and \$ 3,500,000 for renovations to the Thomas Harrison Junior High School and the Harrisonburg High School; and

WHEREAS, the applications must be filed by June 30, 1988 and are made on the condition that the city will not be contractually obligated to issue its bonds until it has approved Bond Sale Agreements prepared and presented by the Virginia Public School Authority which are expected to be delivered during July, 1987; and

WHEREAS, the Council desires to file the application reserving the right to make its final decision on the issuance of the bonds in July,

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City make an application to the Virginia Public School Authority to begin the process of possible participation in the Fall 1987 Virginia Public School Authority bond issue and the City Manager is authorized to file in conjunction with the Harrisonburg City School Board the appropriate applications for this financing.

2. The City School Board's appointment of Wharton, Aldhizer & Weaver as bond counsel to assist in the proposed financing is hereby approved.

This resolution was adopted by a motion of \_\_\_\_\_, seconded by \_\_\_\_\_, at a meeting of the Harrisonburg City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 1987.

Council Member Shank condensed some of his thoughts by noting that: he wants to see Council do the right thing, and with a sense of harmony, with no intention of finding fault. He could not remember when so much has been planned for the city school system. Cost of the new school has escalated from \$ 6 - 7 million in 1979, to the present 12 1/2 million. "We must reduce the cost, which goes hand-in-hand with plans to renovate both the Thomas Harrison Junior High and High Schools." He expressed an uneasiness with the school plans being so sketchy. Council Member Shank said he had been approached by citizens, as well as some of the High School faculty members, expressing concern. He offered an opinion that plans should be completed, prior to funding the projects. The following three needs were cited: (1) indepth information about plans for the renovation projects, with recommendations from the faculty; (2) a determination of enrollment projection in relation to space needs; (3) develop ways in which the middle school costs may be reduced. The Vice-Mayor pointed out that the Resolution before Council this evening is for application for funding, only, with no commitment by Council, involved. He said a meeting should be scheduled for the latter part of July, prior to action concerning a commitment. Attorney George H. Roberts, Jr., noted that should the issue be approved through the VPSA, the interest rate will not be known in July. The application must be in by June 30th, after which time VPSA will be meeting with the various localities to determine requ4sts and make a decision concerning approvals. He noted that the School Board is in need of "marching orders", in order to go forward with the proposed projects. The Vice-Mayor said the city would be made aware of the interest rate in September, and asked if it could be refused at that time. Attorney Roberts said they would have already agreed to go forward, and added the fact that the VPSA may back away from this issue, thus preventing the issuance of bonds. When the Vice-Mayor asked how it would be for funds to be borrowed, either through a local bank, or some other institution, in the name of the city or the school board, and if this would have any effect on the physical control, Attorney Roberts noted that it would be under control of the city, the same as it would be under control of the city, should it float its own bonds. Vice-Mayor Dingledine pointed out that it is not Council's desire to delay the construction schedule, but noted that following the June 23rd meeting, the City Manager had been asked to get some information concerning projections with regard to the issue. Mayor Green asked if the School Board had been in touch with the Planning Commission, and Board Chairman Carson Moore informed him that the Commission had been invited to a meeting for a review of the plans, with the majority of members in attendance, along with the Planning Director, and that they had agreed with the plans, subject to Council's approval. Council Member Rhodes said he understood there were a different set of plans for the school renovations, and asked if the projects (new construction & renovations) could be separated, inasmuch as the money is not needed for the renovations until the new construction is completed. Chairman Moore said the Board desires to work simultaneously with the two projects. He expressed a desire to meet with Council and go over the entire plans, with a feeling that the Board's needs could be justified. Council Member Rhodes said he felt that the new plans should be reviewed, prior to any action by Council. He asked, if in working on the plans, were any efforts made to reduce the size of the middle school, in order to reduce the cost. Mr. Moore said that one reason it seems larger, is because of other facilities, other than classrooms (i.e. library, cafeteria, etc.). The plans are for a continual and functional institution, with long term needs addressed. Council Member Robinson noted the strain that would be placed on the city with a \$16 million construction program, and added the fact that the city's real estate tax rate would have to be increased, in order to afford the projects. School Superintendent Hiner made reminder that the 1979 figure of \$6 million for the new school, was taken from the capital improvement program, and said they were using the only figure that was on the books. Mr. Moore asked that the "door not be closed" on this method of financing at this time, in that a time limit or schedule must be met for the site preparation and beginning of construction. City Manager Milam said he did not feel comfortable, and has seen no justification for \$16 million, or even \$ 12 1/2 million. He offered an opinion that the city should not submit an application for \$16 million, perhaps to find later that a much lesser amount is needed. To borrow funds at this time, and then shift construction to that amount, does not, in his opinion, set too well. If the application is authorized, with funding approved by the VPSA, with project set in motion, without a construction schedule insofar as the need for funding at various intervals, the \$16 million would be on hand all winter, which is against the law. With a feeling that the \$16 million is a firm stand of the School Board, Manager Milam said he had investigated other avenues of financing, and asked if the Board had investigated funding through a local bank. Attorney Roberts pointed out the fact that local banks are not too interested in buying tax exempt bonds. Following discussion of space needs, etc., Manager Milam said that the city may do better through a General Obligation Bond Issue, because of its A-1 credit rating. Mayor Green said "there would be no problem if the cost would have stayed in the neighborhood of \$6 million." Vice-Mayor Dingledine expressed shock at the escalation in projected cost, and offered a motion for Council to approve the filing of an application for \$8 million, with the stipulation that the School Board meet with Council on either July 7th or 21st, or some future date, which would have the advantage of (1) emphasizing a maximum amount Council feels the School Board should borrow and (2) keeping open the option of going to another method of financing. The motion was seconded by Council Member Rhodes. Superintendent Hiner, at this point, urged that the needs be met as set out in the Board's request, noting that \$8 million would not build a new middle school. The Vice-Mayor offered an opinion that his motion should be acted upon, keeping the option open for additional financing, if needed, through a second bond issue. Manager Milam then presented the following proposed resolution for consideration, as a substitute motion for the motion on the floor, with the possibility of a second General Bond Issue after the first of next year:

WHEREAS, the Harrisonburg City School Board has requested the Harrisonburg City Council to make application through the Virginia Public School Authority for funding to construct a new middle school in the City of Harrisonburg,

NOW, THEREFORE, BE IT RESOLVED that the City Manager be, and he hereby is, authorized to file an appropriate application through the VPSA for funding of \$ 10,000,000 for the said construction of a new middle school.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

Atteste:

\_\_\_\_\_  
Clerk

*Walter B. Green, Jr.*

Mr. Moore asked if the limit was placed on the new middle school and Council Member Robinson explained that another bond issue would be considered, or appropriations made available, when the need arises. Vice-Mayor Dingleline then withdrew his original motion and said that in view of the discussion, and with the understanding that we can keep the option open for additional financing in order to construct a quality school, he would move to go back to the \$10 million, as set out in the City Manager's proposed Resolution, and approve the Resolution, with another meeting to be scheduled to determine whether the amount should be scaled down. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council. Chairman Moore extended an invitation for Council to meet with the School Board during the week of July 13th, for review of the plans. Vice-Mayor Dingleline asked if the meeting would be combined with a public hearing, and Mr. Moore said this would be agreeable. Attorney Roberts noted the 14 day time limit on the scheduling of a public hearing date to allow for two publications of same in the Daily News Record newspaper. Mayor Green noted that a date for the Hearing would be left to the discretion of the City Manager. Mr. Moore asked that any questions of Council, be forwarded by the City Manager, to Mr. Hiner, for the Board's consideration.

There being no further business, and on motion duly adopted, the meeting was adjourned.

\_\_\_\_\_  
CLERK

*Walter B. Green, Jr.*  
\_\_\_\_\_  
MAYOR

Tuesday, July 14, 1987

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 June 23rd, and special meeting of June 29th were read, and 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 June, 1987.

From the City Treasurer:

A Trial Balance report for the month of June, 1987.

From the Police Department:

A report of fines & costs, \$ 2,384.90; Cash collected from street parking meters, \$ 6,691.38; Total cash collected, paid on accounts and turned over to the City Treasurer for month of June, 1987, in total amount of \$ 9,076.28.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of June, 1987, in total amount of \$ 770.76.

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, 1987.

✓ A delegation of residents from Mockingbird Drive were present in the meeting in support of a petition signed by seventeen of the residents. Attorney Steven Blatt, speaking on behalf of the residents, noted a severe drainage problem, with water running, in some instances, into electrical meters. The situation has been discussed with the developer, surveyor and City Engineer, and it was noted that the problem may be due to further development in the area. He said the residents would like to see Sparrow Court connected, and would further desire some guarantee that the drainage problem will be solved. Attorney Blatt suggested that the city may need to look at the subdivision ordinance, in order that new purchasers of property in the city, may have the site problems addressed. The petition, received by Council, stated that the "developer has been called twice to view the problem first-hand. No response and no solution." City Manager Milam said that the Harrisonburg Electric Commission had made some adjustments on several pieces of property, and HEC's General Manager feels that the developer had made some extensive storm water adjustments. Manager Milam said he would like for the City Engineer to work with the developer, to determine what can be done to improve the situation. Although storm water is a civil problem between property owners, assurance was given that the city would do all that is reasonable, in an effort to solve the problem.

✓ City Manager Milam called attention to the Report on Audit for the Rockingham-Harrisonburg Juvenile & Domestic Relations District Court, year ended 6/30/86, prepared by the Auditor of Public Accounts, Richmond, Va. He noted receipts of \$ 927,806; disbursements, \$ 927,426, leaving a balance of \$ 995, which includes a balance of \$ 615 from 1985. Copies of the report are available in the Office of City Manager.

✓ At 8:05 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 publicized in the Daily News Record newspaper on June 25th and July 9th:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday,*

July 14, 1987, 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, to consider the following rezoning cases:

1. Rockingham County Board of Supervisors request to rezone 77 acres of the County Farm, located on the east side of Greendale Road and the Chesapeake-Western Railroad, from R-1 Single Family Residential to M-1 Industrial District. Purpose: to establish industrial sites.
2. Mr. A. D. Wise' request to rezone 2 acres located at 1740 Country Club Road from R-1 Single Family Residential, to M-1 Industrial District. Purpose: to allow commercial use of the existing structures on the property.
3. Mr. and Mrs. Winfred Keagy's request to rezone 5 acres located at 735 Port Republic Road from R-1 Single Family Residential to R-3 Multiple Dwelling District. Purpose: to allow D.M.I. Corporation to develop 48 townhouses plus 128 parking spaces and open green areas.

All interested citizens will be given an opportunity to speak during the Public Hearing.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

The rezoning cases were heard, separately, as follows:

#### County Farm Land (77 acres)

Attention was called to the following Planning Commission report which had been presented to Council at its regular meeting held on June 23rd:

"...Mr. D.P. Davis, Jr., President of Rockingham Development Corporation, spoke on behalf of the Rockingham County Board of Supervisors. Mr. Davis told the Commissioners that the 77 acres of County Farm property within the City is more suitable for industrial development. It is adjacent to the railroad and existing industries on Pleasant Valley Road. He added that R.D.C. and the County want to list the property as a prospective industrial site or sites with the Virginia Industrial Certification Program. Mr. Sullivan referred to a March 23, 1987 map by Patton, Harris, Rust & Associates, dividing the 77 acres into four large parcels, served by a new street which would come off Greendale Road. This plan of development is considered a guide for industrial site selection. Mr. Hughes asked if this site is the one suggested by Geisler Smith Associates as a future location for a county office complex. Mr. Davis said it was not, as far as he was aware. Mr. Milam stated that the 77 acre site is part of the County's 150 acre property, half of which is east of the city limits and accessible only by Route 11. The County Landfill is on the east end of this property.

Hearing no opposition to the request, Mr. Heath moved for the Commission to recommend that the County Farm's 77 acres within the City, be rezoned from R-1 Single Family Residential to M-1 Industrial District. Mrs. Shapiro seconded the motion. Voting in favor: Mr. Heath, Mrs. Shapiro, Mr. Hartman, Mr. Trobaugh. Voting against: none; Abstaining: Mr. Milam and Mr. Hughes..."

Ms. Kitty O'Donnell, representing the City Planning Office, in the absence of the Director, pointed out the location of land in request for rezoning. Mr. D. P. Davis, Jr., representing R.D.C., noted that at the request of the County Board of Supervisors, request was being made for rezoning of the 77 acres as described in the Planning Commission's report. He informed Council that Walker Manufacturing has no need for the land and that a former request for rezoning had been made last October when two industries had expressed interest. Although those industries had decided not to go forward, the rezoning request is being reinstated in order to make the land available for industrial development. He called attention to a letter from the County, stating that it would make the land available to R.D.C., and as appropriate, price the site and work with R.D.C on site selection. Mr. Davis asked favorable consideration of Council, concerning rezoning of the land. Mayor Green called on anyone else present, desiring to be heard, either for or against the rezoning request. There being none, the Hearing was declared closed.

#### A. D. Wise property:

Attention was called to the following Planning Commission report which had been presented to Council on June 23rd:

"...Mr. A. D. Wise told the Commission that he desires to lease his vacant service station at 1740 Country Club Road for a craft shop, but discovered that the property had been zoned R-1 Single Family Residential after being annexed in 1983. The building had been a service station for years, and as recently as 2 years ago, it was leased to a car rental agency. Mr. Wise also said he may open a travel agency in one of the two houses on the property. Adjacent home owners were present, but did not speak.

Mr. Heath, noting that the request would be an addition to the M-1 District located on the west side of the Wise property, moved for the Commission to recommend rezoning of the 2-acre A.D. Wise property from R-1 Residential to M-1 Industrial. Mr. Hartman seconded the motion, and all members present voted in favor..."

Ms. Kitty O'Donnell, representing the City Planning Office in the absence of the Director, pointed out location of the Wise property, in relation to Rocco Hatchery, Spotswood Square Shopping Center, etc., noting that the Commission's report was self-explanatory. Mayor Green called on anyone present, desiring to be heard, either for or against the rezoning request. There being none, the Hearing was declared closed.

#### Winfred Keagy property:

Attention was called to the following Planning Commission report which had been presented to City Council at the regular meeting held on June 23rd:

"...Attorney Steve Weaver, representing D.M.I. Corporation of Williamsburg, told the Commission that his clients have an option to buy the 5-acre Keagy property if it is rezoned from R-1 to R-3. Mr. Weaver described a plan of development, illustrating 48 townhouse units with 128 parking spaces plus green space. In addition, a large parking lot on the southwest end of the 5-acres, will be constructed for 'overflow' parking to serve adjacent Hunter's

Ridge, D.M.I.'s first Harrisonburg housing project. Mr. Weaver also noted that only 48 units on the 5-acres means a moderate density of only 10 units per acre, as promised by D.M.I. in an earlier presentation for a zoning change. If the townhouse layout is not marketable, Mr. Weaver said his clients would build four 12-unit buildings (48 units) like the ones in Hunter's Ridge. Mrs. Shapiro asked if the pine trees on the southwest end of the site can be saved. Mr. Dixon, Project Manager, said Mr. Nichols hopes to relocate some of them, as landscaping will be an important feature of this project. Mr. Lester Higgs of 775 Port Republic Road, said he was not in favor of the rezoning; the area has enough multiple housing, noise and trash. He asked who would clean up the trash that will end up on his property. Hunter's Ridge Resident Manager Dixon said he will be fully responsible for seeing to it that such matters will be policed 'full-time.'

Mr. Hartman concluded the discussion with a motion for the Commission to recommend that the Keagy property at 735 Port Republic Road be rezoned from R-1 Single Family Residential to R-3 Multiple Dwelling District. Mr. Hughes seconded the motion and all members present voted in favor..."

Ms. Kitty O'Donnell, representing the City Planning Office, in the Director's absence, pointed out location of the land proposed for rezoning, in relation to the Garber land which was recently rezoned. Mayor Green called on anyone present, desiring to be heard, either for or against the rezoning request. Attorney Henry Clark presented a large illustration of the area, noting a small portion which would remain under R-1 zoning. He noted that under the proposal, there will be ten units per acre, when 21 are actually permitted, and added that conformation of the units will depend upon the market. The large parking lot will provide 290 parking spaces for the 48 units, resulting in approximately 3 cars per unit. According to the attorney, the track record of D.M.I., insofar as development here in the City, is excellent. When Council Member Shank asked if access to the development would be via Hunter's Ridge Road, rather than I-81, Mr. Clark replied in the affirmative, noting that the developer prefers this access road for controlling and maintaining the traffic. When the Vice-Mayor questioned whether or not there would be a Resident Manager, Mr. Clark's reply was also in the affirmative. Mr. Lester Higgs of 775 Port Republic Road, presented a letter he had received from D.M.I., stating that the trash on his property would be cleared away. He noted that the debris, consisting of Christmas trees, 2 x 4s, bottles, cardboard, etc., had been on his property all summer, and that after throwing it over the fence, it is back on his side. When Mayor Green asked Mr. Higgs if it has been cleaned up at this time, he replied "not as of 2:00 p.m. today." Attorney Clark noted that the letter was written following the Commission's hearing, when they were made aware of the situation, and asked Mr. Higgs if they would have permission to go on his property for the clean-up. Mr. Higgs said this would be up to the Council to decide. Mr. Clark said that with permission, they would be glad to clear Mr. Higgs' property of any debris. When Vice-Mayor Dingleline asked Mr. Higgs if he was opposed to the rezoning of the Keagy property, he replied, "yes, because it is being done by strip rezoning." There being no others desiring to be heard, the Public Hearing was declared closed at 8:26 p.m. and the regular session reconvened.

Mayor Green asked members' wishes concerning the request for rezoning the 77 acres of County Farm land from R-1 Single Family Residential to M-1 Industrial District. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the recommendation of the City Planning Commission for rezoning, was approved.

Mayor Green asked members' wishes concerning the proposed rezoning for the A.D. Wise property situate on Country Club Road, from R-1 Single Family Residential to M-1 Industrial District. On motion of Vice-Mayor Dingleline, seconded by Council Member Rhodes, and a unanimous vote of Council, the recommendation of the City Planning Commission for rezoning the Wise property, was approved.

Mayor Green asked members' wishes concerning the request for rezoning of the Keagy property at 735 Port Republic Road from R-1 Single Family Residential to R-3 Multiple Dwelling District. Council Member Rhodes offered a motion for Council to approve the recommendation of the Planning Commission for the rezoning, with the stipulation that the Higgs' property be cleared of debris. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam read the following Planning Commission report which had been presented at Council's June 23rd meeting:

"...Mr. George Foard, representing the A & J Development and Excavating, Inc., explained that proposed Unit 20B of Reherd Acres Subdivision is part of an overall 40-unit townhouse project on the east side of Blue Ridge Drive. Engineering and construction plans were approved by the City in August, 1986. Proposed Unit 20B will have 13 townhouse lots, 7 of which will face Goldfinch Drive and the remaining 6 will face an interior parking area. Mr. Foard reported that Goldfinch Drive is now under construction, plus water and sewer lines are in place to serve this new section.

Mr. Heath moved for the Commission to recommend approval of Reherd Acres Unit 20B. Mr. Hughes seconded the motion which passed unanimously..."

Manager Milam reminded Council that the matter was tabled until this evening, when the report was presented on June 23rd, to give the developer a chance to open up the roadway and as of this afternoon, it is under construction. There is also more to be done by way of curb and gutter, drainage, etc. Vice-Mayor Dingleline moved that the matter be again tabled, until Council receives information concerning the situations mentioned by the City Manager. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

Council received a petition signed by thirty-three owners of property within 1/2 mile of the city limits on the east side of 42 north. Request was made for the City of Harrisonburg to provide water service to the area, which will increase both property values and fire protection. Mr. Robert Baker noted that this was the third trip around, with the request: 1983, 1985 and now 1987. He informed Council of a letter which had been received from the County, saying they were not prepared to serve the area, and asking the owners to come back to the city with the request. Council Member Shank offered an opinion that the city should establish a policy concerning provision of services outside the city, and consider this request along with others that are pending. City Manager Milam said this area was the first in request, following annexation, with seven or eight requests for service since that time. He added the fact that the total carrying capacity of water is not fully

known, or for that matter, the sewer either. Mr. Baker said that if the supply of water is available, he would hope that something could be worked out through the City/County Liaison Committee. Manager Milam said some type of recommendation would be brought to Council concerning both the east and west sides of the city. Mr. Baker made reminder of the fact that at the time of annexation, there was no potential growth on the east side of Route 42, and was not considered by the city in annexation proceedings. Council Member Shank suggested either some type of policy for providing of services, or a moratorium for one year. Manager Milam said that in view of the state law, the city could not deal with Mr. Baker, but rather, the Board of Supervisors. He suggested that the city be given a chance to resolve capability of serving the areas, and recommended that for at least 12 months, no water or sewer connections be made outside the city, which would allow time for a decision to be reached with regard to providing services to areas outside the city limits. He said this action may lead to a concerted effort by the landowners to work with the state concerning the law. On motion of Council Member Shank, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, the recommendation of the City Manager for a one year moratorium on water and sewer connections, was approved.

City Manager Milam presented the following proposed resolution for Council's consideration of approval:

WHEREAS, the Harrisonburg Electric Commission has made request of the Harrisonburg City Council for authorization to borrow a sum not to exceed five million (\$5,000,000) dollars from such lending institution or institutions; and

WHEREAS, such sum will be repaid within a period not exceeding one (1) year; and

WHEREAS, the funds will be used for the purpose of repayment of the indebtedness previously incurred for the acquisition of electrical facilities within the annexed area of the city, as well as for construction and improvement of the Commission's facilities, and for additional funding which may be needed during the said one year for operating expenses,

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council hereby authorizes the Harrisonburg Electric Commission to borrow the said funds for purposes as set out herein.

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

Atteste:

Clerk

*Walter J. Green*  
Mayor

Mr. Kenneth Frantz, Manager of H.E.C., present in the meeting, noted that the Resolution was self-explanatory, and informed Council that a portion of the agreement requirement, under annexation, is done each year, and that the payments are on schedule. On motion of Council Member Robinson, seconded by Vice-Mayor Dingleline, and a unanimous recorded vote of Council, the resolution was approved, with authorization for the proper officials to sign the same.

Mr. Reggie Smith, Transportation Director, was present in the meeting for the purpose of presenting rate increases which are deemed necessary by the department. He noted that corrections need to be made from over the years, and added the fact that the proposed increases will not create a large amount of revenue, but will help cut expenses in operating costs, etc. He reviewed the proposed rates, as compared with the present rates. After replying to questions raised in Council, the Director asked consideration of the proposed rates, with asterisks denoting increases or changes in various rates:

Taxi Rates

\$1.00 first 1/4 mile  
 \$0.10 each 1/8 mile after  
 \$0.30 all packages over two (2)  
 \$0.20 extra for all stops plus wait time  
 \*\$0.10 extra for all persons over two (2)  
 \*\$12.00 per hour wait time  
 Package Delivery - taxi fare plus \$0.50 extra- minimum \$ 2.50

Transit Bus Rates

Adult	\$0.50
Student	\$0.25
Senior	\$0.25
JMU Student/Staff	Valid I.D.
Transfers	No Charge
Adult Coupon Books	25 coupons for \$10.00
Student/Senior	25 coupons for \$ 5.00

(No increases under Transit Bus Rates)

Charter Service Rates (Transit Bus & 45-Passenger Bus)

\$0.80 per mile  
 \*\$12.00 per hour wait time  
 \*\$25.00 per hour for trips within city for all hours driver is on clock  
 \*\$25.00 minimum

School Bus Rates

\$0.70 per mile  
 \*\$12.00 per hour wait time  
 \*\$ 0.50 per mile without driver  
 \$20.00 per hour for trips within city for hours driver is on clock  
 \*\$20.00 minimum

20-Passenger Diesel Bus Rates

\$0.70 per mile  
 \*\$12.00 per hour wait time  
 \*\$ 0.50 per mile without driver  
 \*\$20.00 per hour for trips within city for all hours driver is on clock  
 \*\$20.00 minimum

Van Rates

- \$0.60 per mile
- \*\$12.00 per hour wait time
- \$ 0.40 per hour without driver
- \$15.00 per hour minimum
- \*\$ 1.00 per person for groups for local taxi use.

Following the review of rates by the Director, and questions satisfactorily answered, Council Member Rhodes offered a motion for the proposed rate schedule, to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Mr. James Sipe, Attorney for the Harrisonburg Redevelopment & Housing Authority, was present in the meeting to request Council's consideration in approving a Resolution for issuance of Series A Bonds by the Authority, to assist in financing the Misty Ridge Project in Prince William County, Virginia. He informed Council that although approval was given by City Council in 1985 for issuance of bonds by the R & H Authority, various factors delayed construction until this time. In view of the fact that it is necessary to extend the maturity of the bonds originally issued, the developer has requested the Harrisonburg R & H Authority to issue refunding bonds reflecting the desired longer maturities. Attorney Sipe noted that the entire process had to be repeated, with the Authority's Hearing held yesterday. City Manager Milam read the following proposed Resolution:

WHEREAS, the Harrisonburg Redevelopment & Housing Authority has considered the application of Misty Ridge Limited Partnership (the "Developer"), requesting the issuance of the Authority's Multifamily Housing Revenue Refunding Bonds, Series 1987A (GNMA Collateralized Mortgage Loan - - Misty Ridge Project) in an aggregate principal amount of \$ 20,595,000 (the "Series A" Bonds) for the purpose of refunding the Authority's Multifamily Housing \$ 20,595,000 Multifamily Housing Revenue Bonds, Series 1985 (GNMA Collateralized Mortgage Loan - - Misty Ridge Project) (the "Prior Bonds"); and

WHEREAS, the Prior Bonds were issued for the purpose of financing the acquisition, construction and equipping of a multifamily housing apartment project to consist of approximately 409 units to be located on the east side of Route 1 at Delaware Drive in Prince William County, Virginia; and

WHEREAS, the Authority held a public hearing thereon on July 13, 1987; and

WHEREAS, the Authority has recommended that the City Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Series A Bonds, subject to the terms to be agreed upon, and a certificate of the public hearing have been filed with the Council,

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

1. The Council approves the issuance of the Series A Bonds by the Authority for the benefit of the Developer.
2. The approval of the issuance of the Series A Bonds does not constitute an endorsement to a prospective purchaser of the Series A Bonds of the creditworthiness of the Project or the Developer.
3. This Resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

Atteste:

Clerk

On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the Resolution was approved.

City Manager Milam read the following Ordinance which had been approved for a first reading on June 23rd, for Council's consideration of a second & final reading:

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

That an ordinance granting a cable television franchise be enacted as set forth in an agreement, entitled An Ordinance Granting Cable Television Franchise, and all exhibits attached to said agreement. That any previous ordinance granting a cable television franchise is hereby repealed.

This ordinance shall be effective from the date of its passage.

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

Atteste:

Clerk

When Vice-Mayor Dingledine questioned the charge for a converter, when more than one tv set, for Warner Cable, noted a charge of \$ 2.95 for those desiring only the current channels (1-13) and \$ 4.95 for those desiring to receive the total 26 channels, following reconstruction of the system. The Vice-Mayor then asked if there was any possibility of providing the initial service, at no extra charge, and Mr. Wright said the charges as quoted, would stand, in that a lesser charge has been established for those services. Following discussion, Vice-Mayor Dingledine 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. Manager Milam asked that a liability insurance document be submitted immediately by the cable firm. (Refer to Ord. Bk L, page 98).

City Manager Milam called attention to correspondence dated 6/23/87, signed by the owners, and or managers of thirty-four business establishments, involved with the intersection of Interstate 81 - Exit 62 and Route 11 (S.Main St.) Concerns were expressed which included: increase in traffic volume; increase in number of accidents, and volume of truck traffic using the intersection. A request was made for the Harrisonburg City Council to take immediate action in initiating a study of the intersection to determine the best long-range correction, with action to be taken as quickly as possible, following an engineering study. From a meeting of the owners, and or managers of the establishments, the following suggestions were set out for consideration in the study: (1) an adjustment in the horizontal alignment of the I-81 off-ramp going south on Route 11 and the street between the Chevron and Mobil service stations; (2) to allow traffic to go north or south out of the street between the service stations; (3) a traffic light installed; (4) well marked (painted) instruction; (5) correct

the traffic islands, and (6) an extension of the second south bound lane some distance to eliminate the backing up of traffic that is presently occurring. Further noted were the following suggestions for consideration in reducing the serious safety hazard, while steps are being taken, through a study: (1) reduce the speed limit through the intersection and along Main Street south of the intersection to 35 mph; (2) with signs and pavement markings, show the merging of the two southbound lanes into one; and (3) convert the center lane of the northbound lanes south of the intersection into a right or left turn lane, only. Mr. Richard Blackwell, pastor of the Grace Covenant Church, spoke to the issue, noting the urgency of a study. Council Member Shank offered a motion for the Virginia Department of Transportation to initiate a comprehensive study of the intersection. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Correspondence was presented from the City Treasurer, submitting a report of delinquent taxes remaining unpaid at the close of fiscal year ending 6/30/87, as required under the City Code: Prior to 1984 - Real Estate, \$ 12,804.68; 1984 Personal Property, \$ 6,126.58; 1984 Real Estate, \$11,606.69; 1985 Personal Property, \$ 16,219.59; 1985 Real Estate, \$ 17,449.01. A list of the individual unpaid accounts was also made available to the City Manager. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the report was accepted.

City Manager Milam referred to Section III (Engineering Report) included in his Monthly Progress Report for the month of June, noting that bids had been received and opened for bridge repair/replacement. Low bid in amount of \$ 276,235.40 was submitted by English Construction Company, Inc. of Altavista, Virginia. He noted that two bridges are involved, namely: Liberty and Wolfe Streets, and recommended that the low bid of English Construction be approved. Two other bids in higher amounts were received. When Council Member Robinson question construction schedule on the repairs, Manager Milam said the company has a legitimate date to make corrections, and that the company is very reliable. On motion of Council Member Robinson, seconded by Council Member Shank, and a unanimous vote of Council, the low bid of English Construction Company, Inc., was approved.

City Manager Milam suggested that this evening's meeting be continued on Thursday, July 16th, 7:30 p.m., for the purpose of meeting with the School Board to discuss plans for the new middle school. He further requested an executive session at the close of this evening's session, to discuss real estate matters.

Council Member Shank noted the deteriorated condition of the cannon in front of the Municipal Building and offered an opinion that it should either be "fixed up" or removed. City Manager Milam said the cannon is anchored down, and needs to be re-furbished. He was asked by the Mayor to look into the situation.

Vice-Mayor Dingledine registered a request for "no parking" on West Market Street from High to Willow Streets. Concerns have been received about narrowness of the street, as well as the possibility of tractor trailer trucks colliding with parked vehicles. He offered a motion for the matter to 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 suggested that someone take a look at markings on Burgess Road, to determine if this is the best way to get employees of Dunham Bush across Route 33.

At 9:25 p.m., on motion of Council Member Shank, seconded by Vice-Mayor Dingledine, and a unanimous vote, Council entered an executive session to discuss real estate matters.

At 12:15 a.m. the executive session was closed and the regular session reconvened.

Council Member Rhodes moved that this meeting be continued on Thursday evening, July 16th, 7:30 p.m., for a discussion with the City School Board. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

CLERK

*Walter B. Jones, Jr.*  
MAYOR

Thursday, July 16, 1987

At an adjourned 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; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: City Attorney Earl Q. Thurma, Jr. (sitting in for the City Attorney, Attorney Holmes Harrison).

Mayor Green made reminder that this meeting was a resumption of the regular meeting held on July 14th, and not a public hearing. Council had asked the School Board to meet with it, and share some information and plans for the proposed new middle school. The Mayor noted no intent of getting into any controversy. He said he had been approached by some individuals, questioning where the new school is to be built, but the School Board said it had not been contacted. All departments in the city have much to gain by submitting plans to the Planning Commission and Administration. Another question raised has been - how you are going to get into the school, which, according to the Mayor, is a very good question. He said that Route 33 west is to be widened, and that the two projects should be coordinated. The City Staff and Planning Commission can be of much help in answering questions of the general public. Council wants to share physical responsibility to all departments in the City. The Mayor noted that City Manager Milam has done a tremendous job in the growing needs of the community. He asked Superintendent Hiner to present the school plans, and members of Council to ask any questions. Mr. Hiner said the Mayor's points were very appropriate, with every department responsible for projection of needs, with the schools being a large part of the responsibility. Growth is taking place in the city, and although the plans for a new middle school may come at a bad time, it is not the intent of the Schools to take a quantum leap from where it is at the present time, but to provide quality programs and curriculum. Mr. Hiner noted an influx of additional programs during the past 5 years, many of which are state mandated. He presented statistics concerning present and projected enrollment, number of students in the various grades, etc., setting out a goal of 18 to 20

students in the primary grades. He noted that the new middle school will bring the 6th grades out of the elementary schools, and the 7th and 8th grades out of the present Thomas Jr. High building, which will provide the High School with use of the Jr. High facilities, through modernization of the present building, and tying it in with the High School's program. Twenty-six classrooms will be provided, through the transition. Mr. Hiner introduced Architect Ed McClintock, who proceeded to present the plans for the new middle school. When Vice-Mayor Dingleline questioned Special Education, Mr. Hiner noted that some students go to a resource teacher who works with them. The room is occupied for that day when students are in need of same, with the room also used for other programs. The Vice-Mayor then asked if consideration had been given to a 2-story building. Mr. McClintock said this is done in larger schools, but you get into additional costs. The flow of students is critical and chaos can be the result of stairs. The plan for a 1-story also works well for the handicapped. When City Manager Milam questioned maximum accomodation of the new school, he was told that 20 per classroom - 900 students based on 21-1. All spaces (i.e. music & choral, labs, etc.) are not used all day, every day, but require a certain amount of space. Council Member Robinson referred to the plan as to the number of rooms, and asked if the other rooms could be considered as classrooms. The reply was, that all facilities are a part of the school's program. When the City Manager asked the maximum capacity of the building, the reply was 902, under the 20-1 ratio, but with the 25-1 ratio, the capacity would be 1100. Council Member Shank asked when an addition would be necessary to the new school, and Mr. Hiner said that the 20-1 ratio is important. The chasis is large enough to accomodate 1100 students under a 25-1 ratio. City Manager Milam referred to the more than 20 storage areas shown on the 1-floor plan, and asked if part of these could be devoted to teaching. Mr. McClintock said the storage areas are used for equipment and materials, and are as necessary as closets in a house. The Mayor asked what the estimated projection was for O & M cost at the new school. Mr. Hiner said this had not been projected, but that the same 6-7-8 grade teachers would be used, with students transported. Mayor Green noted that through the years, the schools havereceived some 30% of tax money in the city, and that Council has strived to keep up with teachers' salaries, as well as salaries for other city personnel. If all the money is spent on buildings, he said that Harrisonburg will not be able to keep dedicated teachers that have been here for a number of years. Attorney George H. Roberts, Jr. discussed the proposed bond financing through the Virginia Public School Authority, at length. He noted that following Council's public hearing on July 28th, the governing body will be in a position to know whether to go forward, with a first reading of a resolution on thr 28th and a second reading prior to the August 4th deadline, by setting a maximum amount of the bonds. He presented a form which was required to be received by the VPSA by July 21st, setting out a designee to serve as principal contact, designee as Bond Counsel, revised amount of VPSA financing applied for, and amortization schedule, in order that Harrisonburg may be considered under the Fall Bond Issue. Manager Milam expressed concern about the 15-20 years amortization, and said that 1 1/2 million could be sabled by going to a local bank for the financing, possibly with a lower rate of interest. Inasmuch as both the Dominion and Sovran Banks have expressed interest in the financing, Manager Milam said he die not know how to go about it, without opening the financing for bids. In view of the school's needs for \$22 million, and over \$30 million in municipal needs, he said that other bond issues will be needed. He noted that under the VPSA financing, the money is kept by the state and drawn out by the locality, according to the architect's estimate. When Attorney Roberts asked what amount of VPSA financing would be used, the City Manager suggested the amount of \$10 million, as submitted in the June 30th application. Mrs. Lillian Jennings, Chairperson of the City School Board, asked that she and Mr. Hiner get with the City Manager to work out some areas of financing, from the budget standpoint, which have not been agreed upon, and then that they be given an opportunity to meet again with City Council. Mayor Green said he would close this session with the School Board and get back in touch as soon as possible.

At 9:58 p.m., on motion of Vice-Mayor Dingleline, seconded by Council Member Robinson and a unanimous vote, Council entered an executive session to discuss finance and real estate matters.

At 10:12 p.m., on motion adopted, the executive session was closed and the regular session reconvened.

✓ Council Member Shank offered a motion for City Manager Marvin B. Milam to be designated to serve as Principal Contact on the VPSA Bond Issue. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Vice-Mayor Dingleline moved that Attorney George H. Roberts, Jr. of the Law Firm of Wharton, Aldhizer & Weaver, be appointed to serve as Bond Counsel on the issue. 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 at 10:14 P.M.

CLERK

MAYOR

*Walter B. Green, Jr.*  
MAYOR

Tuesday, July 28, 1987

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; 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: Vice-Mayor Raymond C. Dingleline, Jr.

Minutes of the regular meeting of July 14th and adjourned meeting of July 16th were approved as read.

City Manager Milam presented correspondence dated 7/23/87 from Attorney Donald Litten, enclosing the following: application for rezoning by Woodland of Virginia, Inc., a tract of approximately 35,318 acres in the southeast section of the City, from R-3 Multiple Dwelling District, to R-4 Planned Unit Residential District; a written consent of Horsley & Constable, Inc., owner of a portion of the subject property; a rough sketch showing location of the property and a check for \$75 for processing the application. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the rezoning request was referred to the City Planning Commission for a public hearing.

At 7:56 p.m., Mayor Green closed the regular session temporarily and called the evening's first public hearing to order. City Manager Milan read the following Notice of Hearing as publicized in the Daily News Record on July 9th and July 23rd:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 28, 1987, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to hear comments from citizens regarding the proposed Zoning Ordinance for Harrisonburg.*

*Proposed changes and additions include site plan review, definitions, off-street parking, densities allowed in the R-2 and R-3 Districts, a new Local Business District, general sign regulations, and conditional zoning.*

*All interested citizens will be given an opportunity to speak during the public hearing.*

*CITY OF HARRISONBURG- Marvin B. Milan, City Manager*

Attention was called to the following Planning Commission report which had been presented to Council on June 23rd:

*"...Chairman Trobaugh reviewed the history of the Commission's study and re-writing of Harrisonburg's Zoning Ordinance. Public hearings were held in October of 1986 and on May 20, 1987. The Commission made a few minor adjustments to the proposed text during its special public workshop on June 10th.*

*Mr. Hughes moved for the Commission to recommend the proposed Zoning Ordinance be presented to the City Council for its study and consideration.*

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

Planning Director Sullivan expressed a hope that the new 81-page Zoning Ordinance would be favorably considered for a first reading this evening, and noted that any minor changes which may be suggested, could be made, prior to a second & final reading. He reviewed changes which were made by the Planning Commission, following its May 20th public hearing, under the various categories: Off-street parking requirement; parking spaces required for a Boarding or Rooming House or a Fraternity or Sorority House; R-1 Single Family District (no change); R-2 Residential District; R-3 Multiple Dwelling District, and the R-4 Planned Unit Residential District. He noted that under R-2 Residential, the proposed text increases the minimum lot size for a duplex structure from 8,000 to 11,000 square feet, with three and four unit multiple dwellings not included under this zoning. R-2 will continue to permit six family homes per acre and if duplex structures are built, eight units per acre will be permitted. The proposed text increases the minimum land area per multiple dwelling unit, under the R-3 District, from 2,000 to 3,000 square feet, permitting 14 units to be developed on one acre, compared to 21 units under present regulations. A multiple unit structure will be limited to 12 units per structure, and a cluster or row of townhouses would be limited to 8 attached townhouses. Under the R-4 Planned Unit Residential District, a 6,000 square foot lot is proposed for a duplex structure, with 3,000 square feet proposed per unit. As stated in the R-2, R-3 and R-4 Districts, "a dwelling unit, single family or multiple unit or townhouse unit, shall be occupied by a family of not more than four unrelated persons except that such occupancy may be superseded by building regulations." Insofar as off-street parking, the new text proposed 1 parking space required for each new detached single family dwelling, 2 spaces for each duplex unit and 2½ spaces for each dwelling unit in a building or complex of 3 or more units, plus 1 additional space for each bedroom when a unit has over 3 bedrooms. For a Boarding or Rooming House, or Fraternity or Sorority House, 1 parking space will be required per bed occupancy, as approved by the occupancy permit. Mr. Sullivan noted that the zoning text of the ordinance had been basically written by Mr. John Cofer of Richmond, and said other aspects of the ordinance (i.e. signs, conditional zoning, etc.) could be addressed this evening. Mayor Green called on anyone present, desiring to be heard, concerning the proposed zoning text. Attorney Henry Clark said that a number of little and big things in the proposed ordinance need to be looked at, and addressed. It has been said that developers are only interested in making money on projects, but Mr. Clark said the truth is, that affordable homes have to be made available in the city. Changes in the proposed ordinance will cause an increase in cost of homes. A reduction in the density by 40%, will increase the lot cost by 40%. Many potential purchasers of homes have chosen to live outside the city, due to the cost of housing in the city. Mr. Clark offered two proposals, as follows: (1) by adding to the existing Zoning Ordinance, conditional zoning and more restrictive parking, there would be a workable ordinance to protect the Old Town and future growth of the city; (2) comb through the proposed text and make small adjustments, and insert the existing R-2 and R-3 requirements, instead of what is proposed. He questioned why four-plexes and townhouses should be done away with in an R-2 District. He cited Westhampton Court, and said this type of subdivision of townhouses, will not be allowed under an R-2 zoned district, as proposed. Mr. Clark said he could not see that under R-3, there is a requirement for 30' between buildings on a single tract of land, but if on separate tracts, buildings can be 20' apart. He cited the big problem of subdivisions which are already approved: Easthampton, Section 1, was approved in 1986 and is comprised of approximately 16 lots. If the new ordinance is passed, this will be down-graded out of existence. No structures can be built and the subdivision will be of no further use. This could also exist in other cases, as well. Mr. Clark recommended 2 parking spaces to be required for each single family dwelling. He solicited Council's attention to the aspect of the new ordinance hurting both Old Town and the future city. Mrs. Avra Leigh, Vice-President of the Stonefield Village Development Corporation, noted that the intent to revise the R-2 Residential District, from middle to low density, would have a pronounced effect on the cost of land and cause substantial hardship in the housing market. Through the reduction in units allowed, developers would be forced to make one of two choices: (1) to increase lot costs by over 40%, which would make the housing affordable only by the wealthy or middle income groups, or (2) seek just compensation from the municipality for the taking of a right through eminent domain to use the property to its fullest extent. In conclusion, she asked Council to consider that the R-2 land is available, and though the new R-2 plan does not deny development, it does deny marketable development in most areas of the city. Attorney Franklin of Waynesboro, representing a Petersburg Firm, suggested that (1) page 58(e) of the proposed text, does not take into consideration, angled signs. He said they could live with 36" if it does not preclude a V-sign, and that the matter should be addressed, before it comes back to the city as a problem; (2) Page 59, suggested that the city follow the State Highway Department's policy which states, "If not completed within the calendar year." He noted that inclement weather, or delay in receiving materials, may preclude completion of a sign within 90 days; (3) asked that outdoor advertising be considered in a B-2 General District, with only referral as to same, on page 54 of the new ordinance. Tim Milligan, President of Old Town Homeowners' Association, expressed pleasure with the Planning Commission's report and said he feels that homeowners' concerns have been addressed to their satisfaction in the proposed zoning text. He noted that the issue of parking was secondary, with the primary concern being that of as many as sixteen unrelated persons residing in

some of the older residences. Values of those properties go up for the owner, but properties for resale are subject to a reduction in value. He expressed a desire for the quality of life to be maintained in an R-2 Residential District, through the reduction from high to low density. Agnes Weaver noted a real property crunch with JMU students. She suggested that density around the University not be so dense, and that some of the downtown be considered for housing development. Craig Moore said it seems that density is more the way to approach the situation than driveways, etc., with little or no landscaping. A resident offered an opinion that cluster housing is for people getting to retirement age, who no longer are able, or no longer care to take care of yards, etc. She suggested that some type of zoning be considered in the new ordinance, to serve the needs of retirees. Mr. Ira Lowe said that many places would be "locked in" with the cable system, under the 35' maximum height permitted in the residential districts, under the proposed text. Mr. Neil Turner, President of the Shenandoah Valley Builder Association, offered an opinion that the new ordinance will increase the cost of building, and purchasers cannot afford this. He suggested that various organizations (i.e. Old Town Homeowners' Ass'n, Bar Ass'n. and other interested individuals), get together, and work out some important details. Ken Kline of Kline Realty, said they had been criticized about the high cost of living, and noted that the lower density would only worsen the situation. He cited a proposed development for East Gay and Summit Streets, where four-plexes, 4-unit housing is planned, but under the new ordinance, duplexes would have to be built. He said he did not know how he can extend the street, put in water & sewer lines, etc., with only one alternative - that of abandoning the project. He expressed a desire for the R-2 and R-3 Districts to remain in the same density. Kevin Leigh, Shenandoah Valley Builders' Association and President of Stonefield Village Development Corporation, proposed that R-2, R-3 and T-4 Districts remain in effect, while other areas of the ordinance are being re-evaluated. He noted the hardship that low density would place on developers, as well as purchasers of living units. David Hillman pointed out that when the number of units are reduced, the cost will go up and have a negative impact on renters and landowners. Mervyn Wingfield, 281 Campbell Street, offered support to those who had spoken earlier, concerning the need to keep the residential quality in the city. He noted noise, loud parties, and condition of older properties, which tend to reduce the value of surrounding properties. Jerry Scripture of Scripture Building, and Director of the Builders' Association, stressed the need for more communication by all concerned, with regard to the zoning text, and offered an opinion that a solution could be worked out with members of Old Town Homeowners' Ass'n., including creation of medium zones (historical and alternate) that would provide additional protection. John Reeves, 1026 Chestnut Drive, noted no room for green space at the Maryland Avenue Development, and said it was past time to make quality of development in the ordinance, rather than just "talk", in order to continue the type of quality which Harrisonburg has enjoyed. David Burgess, Dogwood Drive, said he does not want to be served by cable television, but desires to receive good reception, which would be impossible under the 35' maximum height proposed. Jerry Coulter, owner of property at 492 South Mason Street, asked that the present R-2 be retained, and for the new ordinance to be enforced, as well as just passed. He noted a problem of high weeds on adjoining property, as well as no parking spaces provided for an apartment house, which situation has existed for the past seven years. There being no others desiring to be heard, Mayor Green closed the public hearing at 8:54 p.m. and convened the regular session.

Mayor Green asked how green space was covered under the proposed text, citing the situation of concrete at the various shopping centers. Mr. Sullivan noted that the new text does address the matter of landscaping parking lots in the business district, and cited results at Market Square East, Market Square West, and Rockingham Square, as each having minimum green space. Valley Mall put in more than the required 10%. One problem in R-3 Districts, are sites devoted to parking lots. The planting of trees, etc., has not always been required. Under R-4 Planned Unit Residential Development, Mr. Sullivan noted that the open green space has worked well (i.e. Harris Gardens and Park Crest Development) where grass was planted, as well as some pine trees. Harrington Heights Subdivision has over 15% open green space. He offered an opinion that green space in the R-1 Residential District is taken care of, because it is comprised of single family homes. Mr. Sullivan said the 10% requirement for shopping centers, is a low minimum, and noted a small amount of landscaping required in industrial districts. Mayor Green stressed the inability of handling increased loads of rain water and snow from paved areas. Mr. Sullivan pointed out the fact that JMU channels a stream of water to Newman Lake, and said there would be much more flooding at Purcell Park, were this not done. When the Mayor asked if the possibility of Conservation Grants for erosion, had been investigated, Mr. Sullivan said he did not know. When Council Member Robinson questioned occupancy, as addressed on page 25 of the new ordinance, Mr. Sullivan said that under paragraph 1, a single family residence may have two persons living with, or renting from the family, who are not family members, providing such rental space does not include new kitchen facilities. Paragraph 2 provides for one extra person, with no new kitchen facilities. In reply to a question by Council Member Rhodes, City Attorney Thumma said that to the best of his knowledge, a substantial amount of work, possibly as much as half the project, must be completed, to fall under provisions of the present Zoning Ordinance. Otherwise, developers will have to comply with the adopted amendments. When Council Member Shank asked how this would be handled in cases of approved developments, Attorney Thumma said he could "grandfather" all plans that have been approved. Mayor Green noted that the proposed ordinance could either be approved for a first reading at this time, or the matter tabled. He asked that the City Staff and Planning Commission hold a work session with regard to some questions that were raised in this evening's public hearing. Council Member Shank offered a motion for the matter to be delayed, pending outcome of the suggested work session. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present. In reply to a question re the time element for further consideration of any changes or amendments, publicly, Mayor Green said that a public meeting would be held as expeditiously as possible, around the month of August.

At 9:15 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 publicized in the Daily News Record on July 6th and 13th:

*Notice is hereby given that the City Council of the City of Harrisonburg, Va. (the Council) will hold a public hearing pursuant to the provisions of Section 15.1-171.1 of the Code of Virginia (1950) as amended, with respect to the adoption by the Council of an initial resolution authorizing the issuance of up to \$10,000,000 of General Obligation Bonds of the City of Harrisonburg, Va., for the purpose of providing funds for school capital projects within Harrisonburg, Virginia.*

*The public hearing, which may be continued or adjourned, will be held at*

7:30 p.m. on July 28, 1987 before the Council in the Council Chambers, Municipal Building, South Main Street, Harrisonburg, Va. Any person interested in the issuance of the bonds may appear at the hearing and present his or her views. A copy of the proposed resolution is on file and is open for inspection at the offices of the City Manager, Municipal Building, S. Main St., Harrisonburg, Va., during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA

Marvin B. Milam, City Manager

Mayor Green called on anyone present, desiring to be heard concerning the Bond Issue. Dr. Lillian Jennings, Chairperson of the City School Board, expressed appreciation for the opportunity which had been given, to meet and discuss various aspects of the School project, as well as the opportunity for the School Board to cooperate with city officials. Mr. Carson Moore, School Board Member, expressed appreciation for efforts to resolve the matter through meetings which were held on common ground for the purpose of getting a middle school building to provide quality education, as well as for cooperation of financing. School Superintendent Hiner noted that in striving to make adjustments in order to reduce cost of the new middle school, the building had been scaled down from 136,000 sq. feet to 112,000 sq. feet, which will not affect the program planned for the building. Although the original plan was for the building to house approximately 900 students from the 6th, 7th and 8th grades, Superintendent Hiner noted that the number of students had been scaled down to 750, with capability of expansion for approximately 1,200 students. He offered an opinion that the plans, as revised, will meet the needs of students in an effective way. Ms. Mary Morris of Wharton, Aldhizer & Weaver Law Firm, Bond Counsel for the Issue of Bonds for sale to the Virginia Public School Authority, explained the time frame for the issue, noting that Harrisonburg's application will be considered along with twenty-one other jurisdictions, by the VPSA, in that Harrisonburg had been accepted for participation. A Resolution must be approved by Council, executed, and received by the VPSA no later than August 14th, which allows time for the amount of issue to be changed, or for the city to pull-out of the financing. The actual bond sale will be the first part of October. When Mayor Green questioned information concerning the rate of interest, Mrs. Morris said this would not be known right away, in that the VPSA will wait until close to time of issue, to set the rate, with the best possible rate gotten on the total issues of approximately \$93 million. There being no others desiring to be heard, the Mayor closed the Hearing at 9:35 p.m. and the regular session reconvened.

City Manager Milam read two Resolutions, titled as follows, noting that if approved for first readings at this time, they would be merged together into one Resolution for final action at the regular meeting on August 11th: "A RESOLUTION AUTHORIZING THE CONTRACTING OF A DEBT AND THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE CITY OF HARRISONBURG, VA., IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000) FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CAPITAL PROJECTS FOR SCHOOL PURPOSES WITHIN THE CITY OF HARRISONBURG, VA.; FIXING THE FORM AND CERTAIN OF THE DETAILS OF SUCH BONDS; AUTHORIZING THE OFFERING OF SUCH BONDS FOR SALE TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY; AND PROVIDING FOR THE PUBLICATION OF A NOTICE PURSUANT TO SECTION 15.1-199, CODE OF VIRGINIA 1950, AS AMENDED." "A RESOLUTION AUTHORIZING THE SALE OF \$10,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION SCHOOL BONDS OF THE CITY OF HARRISONBURG, VA., TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY; SETTING THE MAXIMUM INTEREST RATE TO BE BORNE BY AND THE REDEMPTION FEATURES OF SUCH BONDS; RATIFYING CERTAIN FACTS AND PROCEEDINGS; AND OTHERWISE PROVIDING FOR THE ISSUANCE OF SUCH BONDS." Manager Milam informed Council that he was in receipt of a possible principal repayment schedule, from the VPSA, based on a 20-year period. He asked Council's consideration in approving the two Resolutions for first readings, with any necessary amendments to be included in the consolidated Resolution, prior to the August 11th regular meeting. Council Member Rhodes expressed appreciation for efforts of the School Board in scaling down the original plans for the new middle school to meet the required funding, noting that efforts such as this, keeps a working relationship between Council and the School Board. When Mayor Green asked if the cafeteria equipment, furniture & fixtures, etc. would be included in the bid, Mr. Hiner noted that there would be a separate bid for the furniture & equipment, aside from construction of the building. The Mayor said he would hope that the city staff would work on site improvement, and coordinate this with the street project. Council Member Rhodes then offered a motion for the first Resolution to be approved for a first reading in the scaled down amount of \$ 8,000,000. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council Members present. Council Member Rhodes then offered a second motion, for the second Resolution to be approved for a first reading, in scaled down amount of \$ 8,000,000. This motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council Members present.

City Manager Milam reminded Council that a Planning Commission report had been presented to Council on June 23rd and again on July 14th, recommending approval of Section 20B, Reherd Acres Subdivision. Action had been delayed on both occasions, pending additional information concerning construction work on Goldfinch Drive, sewer & drainage. Attorneys Lapsley & Depay were present in the meeting, and spoke to the situation. It was noted that curb and gutter has been completed past the access point, in the subdivision section. With regard to the drainage situation behind residences on Mockingbird Drive, the attorneys noted a lot of water behind one property, in particular. Some action has been taken by the developers, and a section of lots behind the residence, is presently pending before the Planning Commission. Mr. Depoy said the developers were anxious to gain approval on Section 20B of the subdivision, in order that they may proceed with another section. Mr. Page Morris, a representative of Copper & Smith, noted improper grading, both in rear and front of the one residence, and said he did not know who would be responsible for correcting the situation. Council Member Rhodes offered a motion for the Planning Commission's recommendation to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

Fire Chief Shifflett, reporting for the Hazardous Material Task Force, explained in detail, the "Flow Chart of Hazardous Materials Laws." He informed Council that the Department of Waste Management, in correspondence of June 29th, had noted that if one or more local governments wish to coordinate their efforts and form emergency planning districts, the Virginia Emergency Relief Council would honor that request. The Chief asked consideration of Council for establishment of a joint emergency council with Rockingham County, which would have some advantages (i.e. the city now provides hazardous materials aid to the county, and transportation routes come from the county). He suggested that five individuals be nominated by the city and five by the county, from five groups as set out under

"composition of local committees." Names of nominees must be submitted to the VERC by August 10th, in order that they may be processed, and members appointed by the VERC by August 17th. Following discussion, it was agreed that the Mayor work with the Fire Chief, and others, and decide upon five individuals from the city for nomination to the committee.

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

*"...The Commissioners reviewed a master plan of Northfield Commercial Park, an 18 acre site zoned B-2 General Business, with frontage on North Main and East Washington Streets. A proposed 50' street will be built from North Main to Washington Street. Mr. Copper described the proposed Final Plat for Section 2, which includes the 50' street plus one short cul-de-sac street. One lot containing 1.4 acres, is proposed on the corner of two proposed streets. Grand Piano Company desires to build a warehouse on the proposed lot. The Director noted that a different name is needed for proposed Northfield Drive, because the same name exists in nearby Park Crest. He added that the Commission has reviewed preliminary master plans for this property during other requests for lot approvals.*

*Mr. Hughes moved and Mr. Hartman seconded his motion for the Commission to recommend approval of Northfield Commercial Subdivision, Section 2, with the understanding that the owners, Park Crest Land Trust, will build the 50' street in the near future, from N. Main to E. Washington Street. The motion passed unanimously..."*

Planning Director Sullivan pointed out the area on a map, noting sections approved and those with development. Council Member Shank offered a motion for the recommendation of the Planning Commission to be approved and the motion was seconded by Council Member Robinson. Mr. Page Morris, Associate with the firm of Copper & Smith, pointed out a proposed temporary cul-de-sac and the Mayor asked Mr. Sullivan if he was aware of this. Mr. Sullivan replied in the negative, adding the fact that it could mean that the street, presently known as Northfield Drive, may not be brought all the way through. The Mayor then questioned traffic on Main from the proposed street, and Mr. Sullivan quoted an estimate of 8,000 vehicles daily, travelling Main Street and said it was his understanding that the street would enter Main, across from Wampler Music, which is located at 917 N. Main Street, with ample site distance for those entering Main Street. The motion to approve the Planning Commission's recommendation, was then adopted by a unanimous vote of Council Members present.

✓ The following report from a July 22nd meeting of the City Planning Commission, was presented:

*"...The Director showed the master plan for Longview Oaks Subdivision to the Commissioners, pointing out proposed Section 1, which is a 5-acre area on the east side of Vine Street and totally within the city. Developer Kevin Leigh is currently building some 4-unit apartment houses on the site. City Engineer Arthur Wilcox asked for a temporary slope easement along the south border, which will be necessary if East Washington Street is extended in the future. Mr. Copper agreed to add the easement. Vine Street has been constructed along the front of this proposed section, and water & sewer services are available for the apartments. Mr. Rhodes moved, and Mr. Hughes seconded his motion for the Commission to recommend approval of Longview Oaks Subdivision, Section 1, subject to the slope easement being added along East Washington Street, and the City Attorney's opinion on elimination of any existing lot lines within the proposed acreage. The motion passed unanimously..."*

Planning Director Sullivan pointed out location of the area on a map, noting property lines that have been vacated, and those that presently exist. City Attorney Thumma offered an opinion that lot lines in Section 1 of Stonefield Village Subdivision have to be vacated and Mr. Page Morris of the firm of Copper & Smith, said he had been informed by Mr. Kevin Leigh, that his attorney is presently working on vacation of those lines. When he questioned whether or not a Plan was required, Attorney Thumma noted that all lot line vacations are recorded at the County Court House. Council Member Shank offered a motion for the recommendation of the City Planning Commission to be approved, as set out in the report. 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 its meeting of July 22, 1987:

*"...Surveyor J. R. Copper presented proposed Final Plats for Deyerle Subdivisions 4, 5 & 6 and showed the Commissioners where these sections are, by referring to an overall map of the Deyerle Properties. Sections 4 & 5 are proposed on the south side of University Boulevard and Section 6 is a 2-acre parcel land-locked but adjacent to the west boundary of the Valley Mall. Access to this lot will be by an easement which Mr. Bill Neff had arranged with the mall owners several years ago. He reported that a state government agency desires to build its facility on this site.*

*City Engineer Wilcox pointed out to the Commissioners that the developer should provide an erosion and sediment control plan for the overall property, as required by State and City Codes. He read from State regulations and from a letter just received from a State Water Control engineer, which said a stormwater management facility should be planned and built for the entire subdivision, rather than on a lot-by-lot basis. Mr. Neff responded that Mr. Wilcox wants site plan review, and he will have the opportunity to do so when building permits are applied for.*

*Mr. Heath concluded the discussion with a motion for the Commission to recommend approval of Sections 4, 5 & 6 of Deyerle Subdivision, provided that curb and gutter and one extra lane of roadway be constructed along University Blvd., when Sections 4 & 5 are developed, and provided that public water and sewer will be available for Section 6. Mr. Rhodes seconded the motion which passed unanimously..."*

Mr. Bill Neff said the Deyerle Subdivision consists of a large tract of land, and traced a power line which has been in existence for years. City Attorney Thumma referred to Section 10-4-5(3) of the City Code, noting that it relates to a subdivision laid out in lots, and in the individual lots. He offered an opinion that someone should define the definition of a subdivision, in that the Plan is a requirement from various sources. Mr. Neff said he was not doing anything he had not done for the past 20 years, and that he needs to know his position in provision of a Plan, before he gets into large investments. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved, as stated in the report. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present. Mayor Green said that some clarification should be gotten, concerning the issue of subdivision vs plan.

The following Planning Commission report from its July 22nd meeting, was presented:

"...Surveyor J. R. Copper presented a proposed Final Plat of Neff Properties, Section 18. The one-lot of 30,000 square feet is proposed for the northeast corner of East Market Street and Evelyn Byrd Avenue, currently under construction adjacent to Skyline Village Shopping Center. Curb and gutter and other necessary street improvements will be the responsibility of the developer, according to Mr. Neff who was present and spoke, explaining that he anticipates a business to locate on the property. Mr. Hartman moved and Mrs. Shapiro seconded his motion for the Commission to recommend approval of the Final Plat, Neff Properties, Section 18. The motion passed unanimously..."

Mr. Neff traced on a map, the new street which will be leading into the Skyline Village Shopping Center. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council Members present, the recommendation of the Planning Commission was approved.

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

"...The Commissioners reviewed a map by Bobby L. Owens, Surveyor, illustrating the re-subdivision of Lot 20, Harmony Heights Subdivision, Section 1. An existing 4-unit apartment house exists on the College Avenue lot. If re-subdivided, both lots will have over 8,000 square feet of land. Chairman Trobaugh noted that similar requests have been approved for nearby lots in Harmony Heights, and all setback, off-street parking and easement needs have been complied with. Mr. Heath moved and Mr. Hughes seconded his motion for the Commission to recommend the re-subdivision of Lot 20, Harmony Heights, Section 1 for Willis Dovel. The motion passed unanimously..."

Planning Director Sullivan pointed out the area on a map, noting that the Commission's report was self-explanatory. 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.

The following Planning Commission report from its July 22nd meeting, was presented:

"...The Martin Eby Subdivision, Section 2, as drawn by R. E. Funk, Surveyor, was reviewed. The Director noted that Mr. Eby proposed to establish a one-acre lot which contains his dwelling, on the east side of North Liberty Street near the old city limits. A 15' prescriptive easement is included along the road frontage, for future widening of North Liberty Street. Mr. Sullivan added that this one acre parcel appeared on the overall preliminary master plan of industrial parcels in Mr. Eby's recent rezoning case. Mr. Heath moved, and Mr. Hartman seconded his motion to recommend approval of the Martin Eby Subdivision, Section 2. All members present voted aye..."

Planning Director Sullivan noted that boundaries would be created by establishment of the 1-acre lot, which would be separate from the rest of the Eby land. On motion of Council Member Robinson, seconded by Council Member Shank, and a unanimous vote of Council Members present, the recommendation of the Planning Commission was approved.

Concerning the matter of requiring immunization of cats against rabies, discussed in a previous meeting, by Council, City Attorney Thumma presented a proposed ordinance amending and re-enacting Title 15, Chapter 2 of the City Code entitled "Animal Control". He noted that the ordinance was prepared by combined information from Title 15 of the Code and some older sections, as well as some information from four copies of ordinances which he had obtained from other localities. He explained the proposed changes under the various sections of Articles A, B & C, as set out by underlining. When an observation was made by Council Member Robinson concerning the high license tax for dogs in amount of \$ 10., Attorney Thumma pointed out the fact that the amount is set out as the beginning amount under the state statute, amended in 1984. He added that the amount could be changed, if so desired. A representative of the Health Department has requested to be present at the next regular meeting of Council, should the ordinance be finally acted upon at that time. Mayor Green said he felt that carcasses should be incinerated, rather than delivered to the city landfill. 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 Members present.

Correspondence was presented from City Treasurer Beverly Miller, requesting authorization to charge off city records, outstanding checks from July, 1982 through June, 1985, as follows: Dominion Bank, \$ 400.11; United Virginia Bank, \$ 1,313.27; Sovran Bank, N.A., \$ 671.53. On motion of Council Member Robinson, seconded by Council Member Shank, and a unanimous vote of Council Members present, the City Treasurer was so authorized.

At 11:00 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, real estate and personnel matters.

At 12:15 a.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

Mayor Green reminded members of a vacancy in membership on the City Welfare Board, and asked members' wishes concerning an appointment. Council Member Robinson offered a motion for Dr. Hobson G. Booth of 247 Fairway Drive, to be appointed to the Board for a first term of four (4) years, expiring on June 30, 1991. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council Members present.

Mayor Green said that consideration should be given concerning a vacancy on the Board of Zoning Appeals, in that Mr. William Blair's first term had expired in March of this year. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the City Attorney was instructed to recommend Mr. Blair's reappointment to the Circuit Court Judge, for a second term.

Inasmuch as Council's public hearing was held on June 9th to hear citizens' views and comments

concerning appointments to the City School Board, Mayor Green said that consideration should be given at this time for two appointees, due to the expiration of first terms of two members as of June 30, 1987. Council Member Rhodes offered a motion for Dr. Lillian P. Jennings and Mr. Carson I. Moore, to be reappointed to second terms of three (3) years each, expiring on June 30, 1990. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council Members present.

Inasmuch as the unexpired term on the Blue Ridge Community College Board of Trustees, which had been filled by Mr. W. Price Lineweaver, had expired as of June 30th this year, Mayor Green asked members' wishes concerning an appointment. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council Members present, Mr. Lineweaver was appointed to a first full term of four (4) years, expiring on June 30, 1991.

Mayor Green asked members' wishes concerning two appointees to serve on the Harrisonburg Industrial Development Authority, in that the first terms of Dr. Jackson E. Ramsey and Mr. Joseph K. Funkhouser, II, had expired as of April 24, 1987. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council Members present, Dr. Ramsey and Mr. Funkhouser were reappointed to the Industrial Development Authority for second terms of four (4) years each, expiring April 24, 1991.

There being no further business, and on motion duly adopted, the meeting was adjourned at 12:20 a.m.

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CLERK

*Walter F. Green*  
MAYOR

At a special 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; Council Members Elon W. Rhodes and Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Vice-Mayor Raymond C. Dingledine, Jr. and Council Member Thomas H. Robinson, II.

Mayor Green called the meeting to order and City Manager Milam read the following Meeting Call, signed by all present:

*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, August 6, 1987, 7:30 p.m., to consider the following matters and take necessary action thereon:*

1. Roll call.
2. Joint work session with Council Members and Planning Commission Members.
3. Proposed first reading of a re-written Zoning Ordinance as prepared and submitted by the City Planning Commission on June 17, 1987; amending and re-enacting Title 10, Chapter 3 of the Code of the City of Harrisonburg.

Planning Director Sullivan gave background information concerning study and re-writing of the Zoning Ordinance, which began in late 1985. Through assistance by Mr. John Cofer of Richmond, a first draft was presented in 1986. In view of many questions which were raised, as well as negative reaction from the general public and special interest groups, with regard to the ordinance as presented at the Planning Commission's public hearing on October 29, 1986, the ordinance was re-worked by a committee comprised of the Planning Director, Commission Chairman Trobaugh, Commission Member Ed Hughes and Building/Zoning Official John Byrd, in an attempt to improve and strengthen the present ordinance, plus plugging in Mr. Cofer's assistance. The proposed ordinance was published in full on May 5th in the Daily News Record, and on June 17th, the Commission recommended to City Council that a comprehensive, re-written ordinance for the City of Harrisonburg, be accepted. Mr. Sullivan reviewed changes which had been incorporated into the Ordinance since the Commission's public hearing which was held on May 20th. A lengthy discussion ensued, with many questions and answers, which resulted in the following proposed changes or review of various items, suggested by Council Members:

Off-Street Parking: (page 22) Increase from one, to two parking spaces in an R-1 District.

(page 21) Eliminate word graveled, and replace with "or treated."

Under B-1 General Business- discussed whether or not parking spaces could be made available in Central City, where buildings may house occupants above, and businesses below, as well as at elderly housing projects (i.e. Lineweaver Apts.) Suggested that the Planning Commission look into this situation and come back to Council with a proposal.

Density: Questioned how undeveloped areas under an R-2 zone were to be developed under the proposed ordinance requirements, with developments already planned. Chairman Trobaugh said that this issue had been discussed by the Building/Zoning Official, City Attorney, Planning Director, and himself, when they had tried to provide for both the developed and undeveloped areas under R-2 zones, which would not create a hardship. The following idea was agreed upon: to give developers up to two (2) years to develop the land, and after that time, they would have to come under the new ordinance restrictions. Mayor Green took issue with the 2-year time period, in that some developers may not be able to construct X-number of units within that time, although development plans have been approved. When Council Member Rhodes asked if the developer could come back within the 2 years for additional time, City Attorney Thumma said that any time limit could be set out in the new text, and that the 2-years -as merely a suggestion. He added the fact that plans already approved, could be "grandfathered in", but undeveloped land would

come under the limitation agreed upon.

Under Section 10-3-107 (page 69) Withdrawal of Application: Mayor Green said it is felt that this is not in compliance with the state statute, insofar as the one year limitation on reconsideration. He added that this also applies to Section 10-3-108 - Conditional Zoning.

Council Member Rhodes said he would like to see subdivision of properties handled in the same way as re-zoning, insofar as notification to adjoining property owners. Mr. Sullivan said this could be done, and set out in the city's subdivision control ordinance.

Section 10-3-93- General Sign Regulations: Agreed that no billboards be erected in a B-2 General Business District, which had been requested during Council's public hearing on July 28th.

Section 10-3-25 - Green Areas on Commercial Parking Lots: Discussed drainage problems on commercial lots, and Mayor Green suggested that some input be provided by the Soil & Water Conservation Commission. Mr. Sullivan was asked to address the matter of increasing required landscaping from 10% to possibly 15%, with perimeter around the lot increased from 5' to possibly 10', before final action is taken on the Ordinance, along with input from the S & W Commission.

Council Member Rhodes offered a motion for the Proposed Zoning Ordinance to be approved for a first reading, with clarification of proposed changes at Council's next regular meeting on August 11th. The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council Members present. Mayor Green noted that final action on the ordinance may not be taken until a September meeting.

At 11:14 p.m., on motion of Council Member Shank, seconded by Council Member Rhodes and a unanimous vote of Council Members present, Council entered an executive session to discuss real estate matters.

At 11:36 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened. No further action, the meeting was adjourned.

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CLERK

*State B. Green 2nd*  
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 of July 28th and special meeting of August 6th 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 July, 1987.

From the City Treasurer:

A Trial Balance report for month of July, 1987 - Assets and Liabilities, \$ 4,787,686.92

From the Police Department:

A report of Fines & Costs, \$ 2,528.62; Cash collected from parking meters, \$ 9,037.83; Total cash collected, paid on accounts and turned over to City Treasurer, \$ 11,566.45, for month of July, 1987.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices, month of July, 1987, in total amount of \$ 673.17.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of July, 1987.

Correspondence was presented from Attorney Steven Blatt, on behalf of Hoyer & Sara W. Moore, submitting application for the rezoning of property situate on the southeast corner of South Main and Campbell Streets, from R-3 Multiple Dwelling District, to B-2 General Business, with \$ 75 processing fee enclosed. Purpose: to operate the dwelling as a restaurant and bed/breakfast facility. Adjoining property owners were listed as: St. Stephen's United Church of Christ; Anthie & Chris Pappas; James & Frances Warren and City of Harrisonburg (Municipal Building). City Manager Milam suggested that Council refer the request to the City Planning Commission, and ask the Planning Director if this is in order, for the application to be for B-2 General Business, rather than for Conditional Zoning. He made reminder that in 1986, when the same request was submitted, the City's Zoning Ordinance was being re-written, and the idea of Conditional Zoning was working its way toward support. Following a recommendation of the Commission for denial of the request, and while the application was before Council, the requestor withdrew the request. Manager Milam said that if the Commission holds a public hearing on the request for B-2 General Business, it could be changed to Conditional Rezoning the night of the Hearing. He suggested that the City Attorney meet with the Commission to discuss maneuvering, at this point. When City Attorney Thumma asked when the matter would come before the Planning Commission, Mr. Sullivan said that September 16th would be the earliest date for a public hearing, and offered an opinion that the requestors would have to alter their request to Conditional Rezoning, based on the assumption that the re-written Zoning Ordinance will have been approved for final reading, by City Council, prior to that time, with Conditional Zoning set out under Section 10-3-108. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the Rezoning Application was referred to the City Planning Commission.

City Manager Milan presented a petition signed by approximately 110 persons, objecting to preaching and harrassment of citizens on the streets and sidewalks of downtown Harrisonburg. Council Member Rhodes said he had been approached concerning the situation, and had suggested that a petition be presented. Mr. Bill Russell (Bill's Hallmark Shop), informed Council that a group of three individuals (one, out-of-state), parade in front of the Old Virginia Theatre, carrying a sign that reads, "Porn Hurts Children." He asked that some type of temporary action be taken to limit these individuals as to their action. Mr. Hollis Sheffer, Operator of the Arcade Newsstand, said a demand was made for him to take certain magazines off his racks, which was followed by harrassment, with customers told not to come into his business establishment. City Attorney Thurma noted that the city police cannot make an arrest for a misdemeanor, unless the violation is actually witnessed. By the time police arrive, the action is limited only to marching and carrying the sign. He added the fact that the city code, under Section 16-10-4, prohibits handing out handbills on the city streets in such a way as to interfere with, or impede pedestrian traffic. He noted that a warrant would have to be sworn out against an individual, or individuals, by the person being harrassed. Police Chief Presgrave said enforcement of an ordinance becomes most difficult in an area such as this, but that some plan of action could be discussed. Debbit Kiracofe told Council that an individual had blocked the way of her, and her mother, until they accepted the literature that was being handed out. Mayor Green asked the Police Chief to work with the City Attorney, toward a solution.

Mr. Alton Lawson of 4 Shenandoah Avenue, was present in the meeting concerning a high intensity street light which had been installed on the street, which light penetrates even through closed blinds. He noted that the vapor lights had posed no problem, but that this particular light was installed through the insistence of one individual, and affects the lives of eighteen people residing on the street. Mr. Lawson noted that he had sent letters to the City Manager and Mayor concerning the situation. Manager Milan said he had referred the letter to the Street Superintendent who has authority to determine installation of street lights, and had also asked for some comment from the Harrisonburg Electric Commission, which has not been received. When Mayor Green said that the light had possibly been installed by HEC, Mr. Lawson said that according to HEC, the light came from the city. He was assured by the Mayor that the source of authorization would be investigated, and that he should receive some explanation this week.

City Manager Milan made reminder that the Planning Director and City Attorney were asked to get together, following the August 6th special meeting, for the purpose of incorporating some suggestions made during the work session on that date, into the new zoning ordinance. Planning Director Sullivan reviewed a summary drafting changes, for consideration of Council, with eight items addressed as follows:

- (1) Article F - Definition of Dwelling Units (Central Business District):  
Due to omission in re-writing the ordinance, the following statement added:  
"In buildings of mixed occupancy, said dwelling units are restricted from occupying ground floor space."
- (2) Article G (Item 3) Landscaping for Parking Lots - Increase required landscaping from 10% to 15% and border landscaping from 5' to 10'.  
(Item 4) Landscaping for Shopping Center Parking Lots - Increase required landscaped areas from 10% to 15% and perimeter landscaping from 5' to 10'.
- (3) Article G - Off-Street Parking - Omit words "or graveled" to read:  
"Appropriate use of surface material for vehicular uses."
- (4) Articles H, I, J, K - Residential Districts R-1, R-2, F-3 and R-4 -  
Re building height - an exception providing for private amateur antennas intended for public service and emergency use, to exceed the height otherwise established, so long as justified for proper radio communication.
- (5) Article R - Supplementary Regulations - Item e "Double-Faced Sign"  
eliminate comma between parallel and faces. Increase distance between a sign with 2 parallels, or nearly parallel faces, back to back, from 24" to 36".
- (6) Article R - Supplementary Regulations - "General Regulations - All Signs"  
Change period of time for permits to install signs becoming null and void, from 90 days, to with calendar year in which the permit is issued.
- (7) Article S - Modifications and Adjustments -Add Item 7, as follows: "All unimproved lots or parcels of land situated within the R-2 Residential District (Article 1) and which were not improved with permanent structures prior to the effective date of this Ordinance, but upon which a plan of development had been submitted to and reviewed by the Planning Commission prior to the effective date of this Ordinance, may be improved by building permits issued in compliance with the requirements for R-2 Districts as found within the preceding Zoning Ordinance as last amended March 13, 1984, upon final approval of plans by the Planning Commission and the City Council. Said parcels subject to these conditions, however, shall be improved by issuance of building permits within a period not to exceed two years from the effective date of this Ordinance and thereafter, shall comply with applicable R-2 requirements of this Ordinance.

Exception: Unimproved parcels designed, approved and recorded pursuant to a plan of development under Townhouse Regulations shall not be limited to two years required for commencement of construction or to the applicable requirements of this Ordinance."

- (8) Article T - Amendments and Changes Sec. 10-3-107 (Withdrawal of Application) -  
Change word "applicants" to "applications" and change withdrawals of an application from "after first publication" to "after the end of the public hearing."

Mayor Green questioned "mixed occupancy" from the standpoint of restricting dwelling units from ground floor space, when there are some existing arrangements such as this at the present time. Mr.

Sullivan said the first floor, all the way to the rear, would be commercial, rather than the back portion serving as living space. The Mayor asked Mr. Sullivan to check into those in existence, from a safety standpoint of dangerous fluids, cooking, etc. When question was raised concerning the new Section 7, City Attorney Thumma said the desire was for any plans of development, reviewed by the Planning Commission, to be continued under the present R-2 zoning regulations within a 2-year period from the effective date of the new ordinance, after which time the developers would be required to comply with applicable R-2 requirements of the new ordinance. When the Vice-Mayor asked if someone could "rush in" and do something quickly, before the ordinance is approved, Mr. Sullivan said that the Commission's next meeting would be held on August 19th, with cut-off of items for presentation. He read the definition of "Plan of Development" as a sketch of the site, showing dimensions, acreage and approximate location of buildings, roads, parking areas, landscaping, etc. Attorney Thumma suggested that the few land areas which fall under this category, with plans reviewed, be "grandfathered-in" under the present zoning ordinance. Mayor Green questioned a sentence under Article T, Section 10-3-107 "Withdrawal of Application" which reads, "Applications for a change in zoning which are withdrawn after the end of the public hearing." He pointed out the fact that the Planning Commission, following its hearing, only recommends approval or disapproval of an application, while Council makes the final decision. He suggested that the word "Council's" be inserted, referring to the Public Hearing. Attorney Thumma said this could be added, in that the thought had not crossed his mind. Mr. Sullivan suggested that when information is given out to developers and/or individuals, concerning R-2 requirements, information should be attached, with regard to the 2-year grace period allowed for developing the land. Mayor Green said that some input from the Soil & Water Conservation people, as to their interpretation of a "slope" as it relates to drainage on commercial parking lots, be obtained, and that some wording should be set out in the new ordinance to protect soil run-off, prior to final action on the ordinance. Council discussed at length, the definition of an off-street parking space, with definition stating "The area required for parking one automobile shall be a minimum of 9' wide and 18' long, not including passageways." Manager Milam suggested that the Planning Director could look into this with the Building/Zoning Official, and come up with a better definition. Mr. Sullivan said that one space was left in the new ordinance for an R-1 Residential District, in that it was felt that 2 spaces would work a hardship on property owners, by having to provide an 18' wide space for two automobiles, not including front yard area. Suggestion was made for an interpretation of "front yard", from Mr. Byrd. Following discussion, it was noted that final action on the new ordinance would be taken during the month of September.

City Manager Milam presented a proposed resolution for consideration of a second & final reading, entitled, as follows:

A RESOLUTION AUTHORIZING THE CONTRACTING OF A DEBT AND THE ISSUANCE AND SALE OF GENERAL OBLIGATIONS BONDS OF THE CITY OF HARRISONBURG, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT MILLION DOLLARS (\$8,000,000.00) FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CAPITAL PROJECTS FOR SCHOOL PURPOSES WITHIN THE CITY OF HARRISONBURG, VIRGINIA; FIXING THE FORM AND CERTAIN OF THE DETAILS OF SUCH BONDS; AUTHORIZING THE OFFERING OF SUCH BONDS FOR SALE TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY; AND PROVIDING FOR THE PUBLICATION OF A NOTICE PURSUANT TO SECTION 15.1-199, CODE OF VIRGINIA 1950, AS AMENDED.

WHEREAS, there has been heretofore filed with the City Council (the Council) of the City of Harrisonburg, Virginia (the City), a resolution adopted by the School Board of the City, requesting the issuance of general obligation bonds of the City to finance a portion of the cost of capital projects for school purposes within the City, and requesting this Council to authorize the issuance of said bonds; and

WHEREAS, it is hereby determined that it is necessary and advisable to contract a debt of the City in the maximum amount of Eight Million Dollars (\$8,000,000.00) and to issue general obligation bonds of the City in said principal amount to finance a portion of the cost of capital projects for school purposes within the City; and

WHEREAS, the Virginia Public School Authority (the Authority) has accepted the City's application for sale of said bonds to the Authority dependent upon the sale of the Authority's bonds to the public at an interest rate to be hereafter determined in accordance with a Bond Sale Agreement between the Authority and the City, dated August 8, 1987 a copy of which has been presented to this meeting and filed with the minutes hereof (the Bond Sale Agreement);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, AS FOLLOWS:

SECTION 1. There are hereby authorized to be issued and sold Eight Million Dollars (\$8,000,000.00) principal amount of general obligation bonds of the City (the Bonds) to finance capital projects for school purposes in the City. The Bonds shall be designated "School Bond" and shall be sold to the Virginia Public School Authority (the Authority) at par. The Bonds shall be dated as of October 1, 1987, shall be issued in fully registered form without coupons, and shall be numbered from R-1 upwards. The Bonds shall mature in annual installments of principal on December 15 of each year as follows:

HARRISONBURG

Principal Repayment for  
VPSA Bonds

Years

1988	\$ 535,000	1996	\$ 535,000
1989	\$ 535,000	1997	\$ 535,000
1990	\$ 535,000	1998	\$ 535,000
1991	\$ 535,000	1999	\$ 535,000
1992	\$ 535,000	2000	\$ 535,000
1993	\$ 535,000	2001	\$ 535,000
1994	\$ 535,000	2002	\$ 510,000
1995	\$ 535,000		

The Bonds shall bear interest payable on June 15, 1988 and semiannually on June 15

and December 15 of each year thereafter to the maturity thereof, such interest to be at such rate or rates as shall be fixed by the Authority upon the sale of the Bonds and as approved by the City Manager, but in no event shall the true interest cost on the Bonds exceed \_\_\_\_\_%. The Bonds shall be initially issued as one bond for the full amount of each annual maturity of principal.

The Bonds maturing on or before December 15, 1996 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after December 15, 1997 are subject to redemption at the option of the City, with the prior written consent of the Authority, so long as it is the registered owner, prior to their stated maturities only in whole on any date not earlier than December 15, 1997, upon payment of the redemption prices (expressed as percentages of par value), together with the interest accrued thereon to the date fixed for redemption, set forth below:

<u>Redemption Dates</u> (both inclusive)	<u>Redemption</u> <u>Prices</u>
December 15, 1997 to June 14, 1998	102 %
June 15, 1998 to December 14, 1998	101 1/2
December 15, 1998 to June 14, 1999	101
June 15, 1999 to December 14, 1999	100 1/2
December 15, 1999 and thereafter	100

At least thirty (30) days' prior written notice of any such redemption shall be mailed to the registered owners of Bonds to be redeemed at their addresses as they appear on the books of registry kept by the Registrar (hereinafter referred to) as of the forty-fifth (45th) day preceding the day fixed for redemption.

SECTION 2. The Bonds shall be executed in the name of the City by the Mayor and the Clerk of the Council by their manual or facsimile signatures, and a facsimile of the seal, or an impression thereof; of this Board shall be imprinted or impressed thereon. In case any officer whose signature or a facsimile of whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature or such facsimile shall nevertheless be valid or sufficient for all purposes the same as if he had remained in office until such delivery. Any Bond may bear the facsimile signatures of, or may be signed by, such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor shall direct the Registrar to authenticate the Bonds and no such Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on each Bond shall have been manually executed by an authorized officer of the Registrar, provided, however, that such authentication shall not be required with respect to the initial delivery of the Bonds to the Authority. Upon the authentication of the Bonds the Registrar shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of such Bond; (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date; (iii) if the Bond is authenticated after the last day of the calendar month next preceding an interest payment date and prior to such interest payment date, the certificate shall be dated as of such interest payment date; and (iv) in all other instances the certification shall be dated as of the interest payment date next preceding the date upon which the Bond is authenticated.

The execution of authentication of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

SECTION 3. The principal of and premium, if any, on the Bonds shall be payable upon presentation and surrender thereof at the principal office of the Treasurer of the City with respect to the Bonds delivered to the Authority or at the principal office of a paying agent to be appointed by this Council with respect to Bonds exchanged by the Authority (this Treasurer or such paying agent, as the case may be, referred to herein as the Registrar). Principal of, premium, if any, and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender of public and private debts. Interest on the Bonds shall be payable by check or draft mailed by the Registrar to the registered owners of such Bonds of record as of the close of business on the last day of the calendar month next preceding each interest payment date at their respective address as such address appears on the books of registry kept pursuant to this section. With respect to the Bonds owned by the Authority checks or drafts shall be mailed to the Authority, c/o the State Treasurer, Richmond, Virginia.

At all times during which any Bond remains outstanding and unpaid, the Registrar shall keep or cause to be kept at its principal office books of registry for the registration, exchange and transfer of Bonds. Upon presentation at its principal office for such purpose the Registrar, under such reasonable regulations as it may prescribe, shall register, exchange, transfer, or cause to be registered, exchanged or transferred, on the books of registry the Bonds as hereinbefore set forth. The books of registry shall at all times be open for inspection by the city or any duly authorized officer thereof.

Any Bond may be exchanged at the principal office of the Registrar for a like aggregate principal amount of such Bonds in the denomination of \$5,000 each or integral multiples thereof and of the same interest rate and maturity.

Any Bond may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such Bond to the Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered

owner in person or by his duly authorized agent, in form satisfactory to the Registrar.

All transfers or exchanges pursuant to this section shall be made without expense to the holder of such Bond, except as otherwise herein provided, and except that the Registrar shall require the payment by the holder of the Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered pursuant to this section shall be cancelled.

SECTION 4. The full faith and credit of the City shall be and is irrevocably pledged to the payment of the principal of and interest on the Bonds as the same become due. There shall be annually assessed, levied and collected, at the same time and in the same manner as other taxes in the City are assessed, levied and collected, upon all property in the City subject to taxation by the City an ad valorem tax, without limitation of rate or amount, sufficient to pay the principal of and interest on the Bonds as the same become due and payable so long as any of the Bonds are outstanding and unpaid.

SECTION 5. CUSIP identification numbers may be printed on the Bonds, but neither the failure to print any such number on any Bond nor any error or omission with respect thereto shall constitute cause for failure or refusal by the successful bidder for the Bonds to accept delivery of or pay for the Bonds in accordance with the terms of its bid. No such CUSIP identification number shall constitute a part of the contract evidenced by the particular Bond upon which it is printed and no liability shall attach to the City or any officer or agent thereof, including any paying agent for the Bonds, by reason of such numbers or any use made thereof, including any use thereof made by the City, any such officer or any such agent, or by reason of any inaccuracy, error or omission with respect thereto or in such use. All expenses in relation to the printing of such numbers on the Bonds shall be paid by the City.

SECTION 6. The Bonds shall be in substantially the following form:

(FORM OF FACE OF BOND)

Registered UNITED STATES OF AMERICA Registered  
 No. R- R \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
 CITY OF HARRISONBURG  
 SCHOOL BOND  
 SERIES 1987

INTEREST RATE MATURITY DATE DATE OF ISSUE

December 15, \_\_\_\_\_

Registered Owner:  
 Principal Amount:

The City of Harrisonburg, Virginia (the City), a political subdivision of the Commonwealth of Virginia, hereby acknowledges itself indebted for value received and promises to pay to the registered owner of this bond shown above (the Registered Owner) or registered assigns, the Principal Amount shown above on the Maturity Date shown above, subject to the right of prior redemption hereinafter mentioned, upon presentation and surrender of this bond at the principal office of the Treasurer of the City in Harrisonburg, Virginia (the Registrar) and to pay interest thereon from the date of this bond until it shall mature at the rate per annum shown above, payable semiannually on the fifteenth days of June and December in each year, commencing June 15, 1988, by check or draft mailed by the Registrar to the person in whose name this bond is registered on the books of registry kept and maintained by the Registrar (when owned by the Virginia Public School Authority, to the Authority c/o State Treasurer, Richmond, Virginia) as of the close of business on the last day of the calendar month next preceding each interest payment date. Principal of, premium, if any, and interest on this bond are payable in such coin, or currency of the United States of America as at the respective dates of payment is legal tender for public and private debts.

The terms and provisions of this bond are continued on the reverse hereof and such continued terms and conditions shall, for all purposes, have the same effect as though fully set forth at this place.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this bond, together with all other indebtedness of the City, does not exceed any limitation of indebtedness prescribed by the Constitution and laws of the Commonwealth of Virginia.

The full faith and credit of the City are hereby pledged to the payment of the principal of and interest on this bond in accordance with its terms.

IN WITNESS WHEREOF, the City of Harrisonburg, Virginia, has caused this bond to be signed by its Mayor and Clerk (by their facsimile or manual signatures); and its seal to be impressed or imprinted hereon, and this bond to be dated as of the \_\_\_\_\_ day of \_\_\_\_\_, 1987.

(SEAL)

*[Signature]*  
 Mayor, City of Harrisonburg  
 Virginia

\_\_\_\_\_  
 Clerk of the City Council  
 of the City of  
 Harrisonburg, Virginia

(FORM OF CERTIFICATE OF AUTHENTICATION)

Certificate of Authentication

This bond is one of the bonds delivered pursuant to the within-mentioned proceedings.

\_\_\_\_\_, Registrar

By \_\_\_\_\_  
Authorized Officer

Dated: \_\_\_\_\_

(FORM OF REVERSE SIDE OF BOND)

This bond is one of an issue of bonds of like date and tenor except as to principal amount, maturity, number and interest rate and is issued pursuant to and in accordance with the Charter of the City, the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act, the same being Chapter 5 of Title 15.1 of the Code of Virginia, 1950, as amended, and resolutions duly adopted by the City Council of the City under such Chapter 5 for the purpose of financing a portion of the cost of capital projects for school purposes within the City of Harrisonburg, Virginia.

The bonds of the issue of which this bond is one maturing on and after December 15, 1997 are subject to redemption at the option of the City but with the prior consent of the Virginia Public School Authority so long as it is the registered owner hereof, prior to their stated maturities on or after December 15, 1997, upon payment of the principal amount of the bonds to be redeemed together with the interest accrued thereon to the date fixed for redemption plus a premium so that redemption prices (expressed as percentages of par value) are as follows:

<u>Redemption Dates</u> <u>(both inclusive)</u>	<u>Redemption</u> <u>Prices</u>
December 15, 1997 to June 14, 1998	102 %
June 15, 1998 to December 14, 1998	101 1/2
December 15, 1998 to June 14, 1999	101
June 15, 1999 to December 14, 1999	100 1/2
December 15, 1999 and thereafter	100

If this bond is redeemable and this bond (or any portion of the principal amount hereof) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this bond, the date and place or places fixed for its redemption, and the premium, if any, payable upon such redemption, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by registered or certified mail, to the registered owner hereof at his address as it appears on the books of registry kept by the Registrar as of the close of business on the forth-fifth (45th) day preceding the date fixed for redemption.

If notice of the redemption of this bond shall have been given as aforesaid, and payment of the principal amount of this bond and of the accrued interest and premium, if any, payable upon such redemption shall have been duly made or provided for, interest hereon shall cease from and after the date so specified for redemption hereof.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the bonds of the series of which this bond is one, this bond may be exchanged at the principal office of the Registrar for a like aggregate principal amount of bonds of other authorized principal amounts and of the same series, interest rate and maturity. This bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, at the principal office of the Registrar but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the bonds of the series of which this bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new bond or bonds of authorized denominations and of the same aggregate principal amount, series, interest rate and maturity as the bond surrendered, will be issued to the transferee in exchange herefor.

(This bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by an authorized officer of the Registrar).

(FORM OF ASSIGNMENT)

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within-mentioned bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, Agent, to transfer the same on the books of registry in the office of the Registrar, with full power of substitution in the premises.

Date: \_\_\_\_\_ Registered Owner

Witness: \_\_\_\_\_ Signature Guaranteed: \_\_\_\_\_

NOTE: The signature to this agreement must correspond with the name as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever.

SECTION 7. The City shall make no use of the proceeds of the sale of the Bonds which would cause the Bonds to be "arbitrage bonds" under Sections 103 and 141 through 150 of the Internal Revenue Code of 1986 and the City shall comply with the applicable Treasury Regulations adopted under such Sections so long as any bond is outstanding.

SECTION 8. The Bond Sale Agreement is hereby authorized and approved and the appropriate officers of the City are hereby authorized to execute and deliver such Agreement to the Authority.

SECTION 9. The Proceeds Agreement, to be dated as of October 1, 1987, by and among the Authority, the County, certain other municipalities and a Depository to be designated therein, is hereby authorized and approved in substantially the form of the copy which has been presented at this meeting and filed with the minutes hereof, and the appropriate officers of the County are hereby authorized to execute and deliver such Agreement in substantially the form of such copy to the Authority.

SECTION 10. The Clerk of this Council is hereby authorized and directed to file a copy of this resolution, certified by the Clerk of this Council to be a true and correct copy hereof, with the Circuit Court of Rockingham County, Virginia.

Within ten (10) days after the filing of this resolution with the Circuit Court of Rockingham County, Virginia, the Clerk of the Council is hereby authorized and directed to publish a notice once in a newspaper having general circulation in the City of Harrisonburg, Virginia, as follows:

NOTICE

Pursuant to Section 15.1-199 of the Code of Virginia, 1950, as amended, notice is hereby given that the City of Harrisonburg, Virginia, proposes to issue Eight Million Dollars (\$8,000,000.00) general obligation bonds of the City of Harrisonburg, Virginia, to finance a portion of the cost of capital projects for school purposes within said City.

SECTION 11. All resolutions and proceedings in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 12. This resolution shall take effect immediately upon its adoption.

APPROVED:

  
\_\_\_\_\_  
Mayor, City Council, City of  
Harrisonburg, Virginia

City Manager Milam informed Council that in meeting with the City Auditor, Assistant City Manager and Bond Counsel Roberts, it was agreed that the pay scale for the Bonds, be based on 15 years, with estimated interest rate at 8.75% which is about 1% of what the current market may allow. The bonds will be sold sometime in September, with scheduling of the Bond Closing at a later date. There will be no redemption of the Bonds until year 1997. Attorney Roberts presented revised copies of the proposed Resolution, in that some typographical errors had been detected in the original copy. He offered an opinion that the Resolution (see above) is in "good shape," but noted that should the Market move against the proposed rate of interest, they would have to come back and explain this to the governing body. When Vice-Mayor Dingleline asked if the interest rate exceeded 8.75%, could the city negotiate for a different source of financing, Attorney Roberts said the city would be committed to go forward with the issue, and that he did not feel that an appeal could be made to the VPSA. Council Member Rhodes asked why the middle school was not addressed in the Resolution as to its construction, and Attorney Roberts said he felt it best that this not be done, in that any funds which may remain from the actual construction, could be used for other purposes (i.e. landscaping, etc.) City Manager Milam offered an opinion that it is best to utilize the Virginia Public School Authority for financing the school project, thus reserving local banks, or other sources, for financing future municipal needs. Following discussion, Council Member Shank offered a motion for the Resolution to be approved for second & final reading, with authorization for the proper officials to sign the necessary documents. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council.

✓ For consideration of a second & final reading, City Attorney Thurma presented an Ordinance amending & re-enacting Title 15, Chapter 2 of the City Code, entitled: "Animal Control", amended primarily to include a requirement for immunization of cats against rabies. He made reminder that the Mayor had expressed a preference for animal carcasses to be incinerated, rather than buried at the city landfill, and noted that burning would not be allowed by the Health Department. Mr. Allen Gutshall, Supervisor of the Harrisonburg-Rockingham Health Department, was present in the meeting to speak in support of the ordinance, as proposed. On motion of Council Member Shank, seconded by Council Member Rhodes, 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, pages 99 - 104).

✓ City Manager Milam called attention to correspondence from Attorney Welby Showalter, concerning an attached agreement which had been prepared, whereby all parties in interest are vacating lot lines in the prior Neff Subdivision along East Market Street, and also vacating and re-locating water line easements in the area. He noted that remittance for relocating the water line has been made by Mr. Neff, and added the fact that moving the line farther up the hill, will give the city a better easement. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, the agreement was approved.

At 10:05 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 real estate matters.

At 11:24 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ Council's attention having been directed to the fact that the city had approved the Joseph Gardner plan of development for rezoning, from R-2 Residential to R-3 Multiple Dwelling District, with assurance of city water and sewer facilities, long before the water and sewer moratorium, Vice-Mayor Dingleline offered a motion for the City Manager to be authorized to honor the approval previously granted. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

There being no further business and on motion duly adopted, the meeting was adjourned.

CLERK

  
\_\_\_\_\_  
MAYOR

Tuesday, August 25, 1987

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: City Manager Marvin B. Milam; City Attorney 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: Mayor Walter F. Green, 3rd.

Vice-Mayor Dingleline presided over the meeting in the Mayor's absence, and called the meeting to order.

Minutes of the regular meeting held on August 11th were approved as read.

Fire Chief Larry Shifflett was present in the meeting to request support of Council for a new radio communications system, due to problems which have been encountered over past years due to age of the present equipment, predominate method of new construction in commercial buildings under new regulations and building standards, etc. He noted an urgent need for the frequency to be increased, and for the present out-dated equipment to be put on standby for use when a need arises out-of-town, with the present equipment to be eliminated when it is no longer usable. The Chief said that the Occupational Safety & Health Administration (OSHA) requires 2-way radios for communication when hazardous materials are involved. He presented a proposal submitted by Motorola, Inc. for a complete "Turn-Key" System for total cost of \$ 122,562, which would replace all units as well as the bay station, and asked Council's consideration in approving a supplemental appropriation of \$ 131,000 which would enable purchase of some additional equipment. City Manager Milam reminded Council that replacement of the system was cut from last year's budget, in that all city departments were held to within 7 - 8% in additional appropriations. He added the fact that funds are available, should it be desired to update the communications system. When the Vice-Mayor questioned use of Revenue Sharing Funds for this purpose, Assistant City Manager Baker noted that the city would receive only 5% of the amount received in the last Entitlement Period, which will be in the neighborhood of \$ 20,000. Council Member Rhodes offered a motion for a supplemental appropriation in amount of \$ 131,000 to be approved for a first reading, and that:

\$ 131,000 chgd.to: General Fund - Unappropriated Fund Balance

131,000 approp.to: General Fund (3201-7003.00) Fire Dept.- Cap.Outlay

Communications Equip.

The motion was seconded by Council Member Shank. Vice-Mayor Dingleline asked if the system had been advertised for bids, and the Chief replied in the affirmative, adding the fact that the only response was from Motorola, Inc. The motion was then adopted by a unanimous recorded vote of Council Members present.

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

*"...The Commissioners studied a plat drawn by Surveyor Robert Jellum, showing a proposed 1,814 square foot addition to Richard Weaver's property located at 937 College Avenue. The additional land is half of a land-locked parcel situated on the back side of the larger lot. Mr. Richard Bowman is constructing a single family home on the property. Mr. Sullivan described his neighborhood map which indicates that 1,814 square feet of land will also be added to Mr. Weaver's lot at 933 College Avenue.*

*Mr. Hughes moved and Mr. Hartman seconded his motion to recommend approval of the Richard Weaver re-subdivision of Lots 10, 11, and 12, Block G, Page 48 of City Block Map. All members present voted aye..."*

Planning Director Sullivan noted no problem by Commissioners in recommending approval of the re-subdivision. Council Member Rhodes, a member of the Planning Commission, noted that the system of notifying neighbors of the proposed re-subdivision, was utilized, which system had been suggested in an earlier meeting of Council. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the recommendation was approved.

The following Planning Commission report, from its July 22nd meeting, was presented:

*"...The Commission read a July 20, 1987 letter from Mr. John Driver, requesting renaming of Cedar Drive in the Conrad Subdivision to 'Turkey Run Road.' The street is currently being constructed and since nearby Hillandale Subdivision has a Cedar Street, the City has asked Mr. Jimmy Conrad to propose a new name for Cedar Drive. Mr. Hughes then moved for the Commission to recommend that Cedar Drive be renamed 'Turkey Run Road' in the Conrad Subdivision. Mr. Heath seconded the motion and all members voted in favor..."*

The matter was discussed briefly, on a light note, with question raised as to whether a more appropriate name might have been selected. Council Member Robinson offered a motion for the recommendation of the Commission to be approved. The motion was seconded by Council Member Rhodes, and adopted by a majority vote of Council Members present. Voting Aye: Council Members Rhodes, Robinson and Shank; Abstaining; Vice-Mayor Dingleline; Absent; Mayor Green.

City Manager Milam explained that the Sipe House (301 S. Main Street) houses the Fire Chief's Office on the ground floor, while the first floor (street level) and the second floor has been leased to the Rockingham/Harrisonburg Historical Society on a year-to-year basis, which lease expired as of June 30th this year. Inasmuch as correspondence has been received from Mr. Sidney Bland, President of the Society, advising that the organization would be re-locating to the Dayton Area on October 4th, Manager Milam suggested granting the lease from July 1st to October 30th, or some other desirable date, after which time consideration could be given with regard to use of the space. Vice-Mayor Dingleline said he could see no necessity in extending the lease. Council Member Shank made an observation that since more than one request has been received for quarters in the Sipe House, it may be a good idea to extend the lease. Manager Milam called attention to correspondence from School Superintendent Hiner, requesting to view the vacated quarters, to determine how it can meet the schools' needs in moving staff members from the Simms School, to this location which is adjacent to the School Board Offices, in order to correct an efficiency and communication problem for the schools' operation. Mr. Mensel Dean, Jr., Vice-President of Administration, Harrisonburg/Rockingham Chamber of Commerce, was present in the meeting as follow-up to his correspondence of August 14th. He informed Council that the present quarters of the Chamber, 191 S. Main Street, does not have sufficient office space to provide increasing services to its 640 members as well as the community. Meetings have been held with the

Historical Society, relative to the two organizations cooperating on use of the space. According to Mr. Dean, the Society desires to maintain a part of its culture in downtown Harrisonburg (i.e. electric map, book store, gift shop, etc.), which would be compatible with Chamber activities. He noted that the Chamber's lease at 191 South Main Street expires December 31st of this year, and that notification of intention to renew, must be given the landlord by September 30th. He requested prompt favorable decision on Council's part, to lease the space to his organization. Council Member Shank asked if the situation had been discussed by the Planning Commission, and Mr. Sullivan said it could be a new area for the Commission to explore. Following discussion, Council Member Rhodes offered a motion for the matter to be tabled, to allow time for the City Manager to look into the situation from the standpoint of requests received, and other information, in an effort to determine the best use of the Sipe House. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

For information, City Manager Milam presented the following names which had been submitted to the Department of Waste Management, for consideration of nomination to comprise a joint City/County Emergency Planned District, selected from various categories:

Elected Officials

Delegate Paul Cline and Sheriff Glenn Weatherholtz

Fire - Police

Fire Chief Larry W. Shifflett  
 Robert Atkins, Ph.D - JMU  
 Roger Rainer, Firefighter- Rockingham County  
 Joseph Paxton, Assistant County Admin.- County Office Bldg.  
 Mike Hoover, Fire Chief, Broadway, VA

Media

Rick Wagner, Managing Editor, Daily News Record  
 James L. Bradley, Jr., News Director, WHSV-TV

Community Groups

George Welch, President Wampler Chemical Co. - Rotary Club  
 Treva Moore, Rockingham/Harrisonburg Rescue Squad Association

Facility Owner - Operators

Brad Wetsel - Wetsel Seed Company  
 Jim Russel, Environmental Engineer, Merck & Co.

Fire Chief Shifflett reported that the Department of Waste Management had appointed the aforementioned nominees, and also approved formation of the joint city/county emergency planning district.

City Manager Milam called attention to the following letter which had been received from an appreciative citizen, and the Vice-Mayor suggested its inclusion in Council's minutes:

*On Tuesday, August 11, I appeared before the council expressing concern about the intensity of a light that was installed on Shenandoah Avenue. On Wednesday, August 12, at noon, this light was removed and a small vapor blue light was installed.*

*I would like to commend the council of this city for the immediate action on this matter. It certainly proves that the council is interested and does listen to its citizens.*

*On behalf of those who signed the petition, I want to personally say thanks to you and all members of the council for allowing us to appear before you at the meeting and to thank you for helping us resume our life in a milder light on Shenandoah Avenue and immediate area.*

*Very truly yours,  
 A. W. Lawson*

Council Member Robinson offered a suggestion for the new Zoning Ordinance to include some regulations re trimming of trees in the city. Planning Director Sullivan said this could be controlled, to a certain extent, through an established policy, and control placed under a city department, but that he did not know if it could be included in the Ordinance. Vice-Mayor Dingledine suggested more selective trimming of trees when necessitated for clearance of utility wires, etc., rather than chopping them back, and asked Mr. Sullivan to look into the matter and report back to Council.

There being no further business, and on motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council Members present, the meeting was adjourned at 8:29 p.m.

*N. Deane Lober*  
 CLERK

*Raymond C. Dingledine*  
 VICE-MAYOR

Tuesday, September 8, 1987

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 25th were read, and 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 August, 1987.

From the City Treasurer:

A Trial Balance report for month of August, 1987.

From the Police Department:

A report of Fines & Costs, \$ 2,180.80; Cash collected from street parking meters, \$ 7,206.19; Total cash collected, paid on accounts and turned over to City Treasurer, \$ 9,386.90, for month of August, 1987.

From the City Auditor:

A report of cash discounts saved in payment of vendor's invoices for month of August, 1987, totaling \$ 268.21.

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 August, 1987.

Correspondence was presented from Mr. Lance Braun of Skyfire Pyrotechnical Unlimited, requesting authority to conduct a public fireworks display at JMU on Saturday, September 19th, in celebration of Government Day, immediately following the football game. It was noted that the display would last fifteen minutes, with approximate time 9:45 to 10:00 p.m. As authorized agent of Dominion Fireworks, Inc. of Petersburg, Va., Mr. Lantz noted in his correspondence that a \$ 1,000,000 certificate of public liability insurance coverage would be provided the City Manager's Office prior to the display, and requested the presence of city police and fire protection units, in cooperation with the JMU Security, for crowd control and public safety. Mr. Joe Lynch of 111 E. Weaver Avenue, was present in the meeting to remind Council that he was also present in an October meeting, and at that time, had presented a petition signed by numerous residents, opposing the lateness of the October 4th display (11 p.m.), and improper notification to the public of the event. He requested that this not be a repeat performance. Mr. Fred Hilton, Director of Public Relations, James Madison University, said that the exact time for the game's end, could not be determined, but that it would begin at 7:30 p.m. Vice-Mayor Dingleline questioned loudness of the previous fireworks, and was told that larger shells had been used, in that the previous display was over Newman Lake. When Mayor Green asked Mr. Lynch if he had experienced problems with the July 4th display, he replied he was not familiar with this. Following discussion, and on motion of Vice-Mayor Dingleline, seconded by Council Member Shank, and a unanimous vote of Council, permission was granted. Although no definite time was scheduled for the display, the Mayor said he felt that it would be over at an early hour.

City Manager Milam presented a communication which he had received from Mrs. Doris Washington, First Baptist Church, requesting permission to block off Lincoln Circle from traffic, for a Block Party beginning at 5:00 p.m. on Saturday, September 12th. It was noted that in May of this year, a similar request was granted the church, with no problem encountered. On motion of Council Member Rhodes, seconded by Council Member Robinson and a unanimous vote of Council, permission was granted.

City Manager Milam presented, for Council's consideration of a second & final reading, the City's Zoning Ordinance as amended, following meetings held on August 6th and August 11th. Planning Director Sullivan reported that various changes were presented to Council, from a workshop held on August 6th, and noted that the zoning text is directed to the Zoning Map. The city has ample area zoned for business and industrial areas, with an increase of industry, in past months. The zoning pattern was established in 1983, with only a small number of requests from enterprise, and from two industries in early summer. Four are shown on the map and two in text, still to be applied for. Mr. Sullivan said that the R-1 Single Family Residential District has been kept the way it has been, for many years, with no requests for creating lighter density, although it could be laid out in greater size. During review and discussion of the R-2 Residential District, it was determined that there is a certain amount of R-2 in the city with the vast majority developed. A requirement is drafted in the new ordinance which will increase off-street parking for apartments. An effort was made to see that the R-2 neighborhoods are basically single family. Duplex units are allowed under the new regulations, but no tri-plexes. A lot of acreage is available in the R-3 zone for higher density development. The R-4 text has been left basically as it has been, since 1966. A 25 acre minimum was required in 1966, and remains the same in the new text. The Director mentioned Harris Gardens, Northfield Estates, Reherd Acres, and Harrington Heights, as some examples of this type of development. An attempt was made to strengthen various definitions and phraseology, so that zoning is there, to make this community a better place to live and to operate industry. Ample space is available for every style of development which the society desires. Mr. Sullivan made reminder that several amendments to the Zoning Ordinance have been made since the early 1970s, and noted that about a month ago, certain proposed developments were "grandfathered in" for a 2-year period, in order to allow developers to carry out their plans in the R-2 district. Further, if a lot is undersized, in any district, building on the lot will not be prohibited. Inasmuch as the Zoning Ordinance needs to be updated from time to time, Mr. Sullivan said that every effort had been made by those involved in the study, to "do the best they could" to produce a fair and workable document. Mayor Green asked the Director if he could see any way that anyone could be hurt with the "grandfathered" status, and Mr. Sullivan said it is felt that the 2-year extension which has been provided to allow the remaining R-2 areas to go ahead and proceed with development for 24 months, would solve the situation. He cited Westhampton and Easthampton plans as received and reviewed as part of the Master Plan, with Longview Oaks also considered, in that the plans have been reviewed. Only two plans have not been reviewed (i.e. Liskey Farm north of city, and hilltop property in south end of city owned by Fred Funkhouser). Ms. Agnes Weaver informed Council that she had spent a lot of time surveying the different shopping center lots in the city, and counting spaces that are laid out for parking, with no greenery, only asphalt. She called attention to Section 31-11(c) of the old Zoning Ordinance, "Definition of Landscaping for Parking Lots", particularly to the last sentence, omitted from the new text, which reads as follows: "and shall include at least one tree of at least 4" caliper or 10' high for each 10 parking spaces in the lots." Also omitted, (d) under the same section, referring to Landscaping for Shopping Center Parking Lots, a requirement for rows of parking spaces, divided at intervals of from 8 to 12 parking spaces by a landscaped area at least 5' in width and at least 15' in length. She requested that the statements be reflected in the new text, in order to keep future parking lots from having the same appearance as some of the present ones. Mrs. Sally Shapiro, a member of the Planning Commission, supported observations made by Ms. Weaver. Mr. Sullivan offered an opinion that the statements should be eliminated, in that the new text increases landscaping in lots from 10% to 15%. He questioned whether the right thing would be to leave the requirement for trees, or to permit flexibility of handling each site, as the occasion arises. Building Official Byrd pointed out the fact that some out-of-town developers prefer to plant exotic trees, which may, or may not survive in this area, and offered an opinion that the increase in percentage of landscaping should work very well. When the

City Manager suggested elimination of the word "light", referring to industrial operations under the M-1 District, in view of present large industries, Mr. Sullivan said it was never the intent, in either the old or new ordinance, to define light or heavy industry. Rather, they were trying to say to any operation that they may continue, as is, and should anyone be anxious to introduce, for example, a rock quarry, it should be spelled out how the situation should be handled. He was referring to the necessity of holding public hearings, etc. on rezoning issues. A better word for "light", according to the Director, may be "clean." In reply to a question raised by the City Manager, Mr. Sullivan pointed out that the eighteen types of materials listed in the old ordinance under Section 10-3-123 (M-2 Industrial District), and omitted in the new text, are defined as hazardous materials, with requirement for public hearings and reviews, to protect public interest and surrounding property and persons, prior to use of those materials by an industry. Council Member Robinson asked whose responsibility it would be, to follow up on the landscaping for shopping center parking lots, and was informed that it would be the Building Official's Office. Mayor Green questioned whether traffic would be controlled by planting trees in the lot areas, and noted that although he understood seasonal planting, business establishments should not be occupied until all criteria is met. Council Member Rhodes suggested that the last sentence under Section 31-10(d) of the old ordinance, be added under Section 10-3-25(4)(pg 20) of the new ordinance, as follows: "Rows of parking spaces shall be divided at intervals of from 8 to 12 parking spaces by a landscaped area at least 5' in width and at least 15' in length." Following discussion, Council Member Robinson offered a motion for the new Zoning Ordinance, amended to include addition of the last sentence, to be approved for second and final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Council Member Rhodes, and adopted by a unanimous recorded vote of Council. (Ord. Book L, pages 105-151).

✓ City Manager Milam read the following proposed Resolution for Council's consideration of approval:

*WHEREAS, Section 33-1-89 of the Code of Virginia, as amended by the 1970 Session of the General Assembly, authorizes the Department of Transportation Commissioner to acquire rights-of-way for the construction, reconstruction, alteration, maintenance and repair of public highways within municipalities on projects which are constructed with State or Federal participation; and*

*WHEREAS, Section 33.1-89, as amended, further provides that the Department of Transportation Commissioner may exercise such authority only upon receipt of official request from the city or town involved,*

*NOW, THEREFORE, BE IT RESOLVED that the City Council of Harrisonburg hereby requests the Department of Transportation Commissioner to acquire the necessary rights-of-way for Project 0042-115-103, PE-101 (Virginia Avenue) within the corporate Limits of Harrisonburg, and to convey the title to such right-of-way to the City of Harrisonburg, and*

*Further agrees to reimburse the Virginia Department of Transportation for five percent (5%) of all costs incurred in the acquisition and conveyance of such rights-of-way, with the understanding that such acquisitions will be handled by the Commissioner under established policies and procedures, and his decision in all instances will be final.*

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

Atteste:

Clerk

*Walter F. Green*  
Mayor

Manager Milam explained that the Project will extend from Fifth Street to the Old Corporate Limits (approximate location of Stroop Oil Co.) On motion of Council Member Shank, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the Resolution was approved.

✓ City Attorney Thumma informed Council that problems had been encountered in determining the boundary line for East Water Street, in that a survey which the law firm of Wharton, Aldhizer & Weaver had done, was inconsistent with the City's Block Map. It was determined that the only way to establish a line would be under an agreement between the Law Firm and City of Harrisonburg, with a perpetual license granting the Firm to maintain, repair and replace the building and structure which encroaches over the designated boundary line. He added the fact that a variance has been granted by the Board of Zoning Appeals, for the building's setback. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous recorded vote of Council, the following Agreement was approved:

*THIS BOUNDARY LINE AGREEMENT made and entered into this 1st day of June, 1987, by and between the City of Harrisonburg, Virginia, a municipal corporation (City of Harrisonburg) and Wharton, Aldhizer & Weaver, a Virginia partnership (Wharton, Aldhizer & Weaver).*

**RECITALS:**

- 1. Wharton, Aldhizer & Weaver acquired Lots 10, 12, 14, 16, 18 and 20 of the A. M. Newman Addition to Harrisonburg bounded on three sides by streets of City of Harrisonburg being Newman Avenue, South Mason Street and East Water Street.*
- 2. There exists a controversy between Wharton, Aldhizer & Weaver and the City of Harrisonburg, as to the location of the southern line of East Water Street. Wharton, Aldhizer & Weaver relies on the survey of the property by Copper & Smith, P.C., C.L.S. dated August 14, 1986, performed for Wharton, Aldhizer & Weaver prior to its acquisition of real estate by deed dated August 25, 1986 from Richard L. Chew and wife, which deed and survey plat are recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 805 at Page 312, and further relies on the dedication of the subdivision plat of A. M. Newman Addition to the Town of Harrisonburg recorded October 17, 1908 in Deed Book 84, at Pages 125 - 126. The City of Harrisonburg relies on a 1916 survey dated by William G. Myers, subsequent to the recordation of the subdivision plat of the A. M. Newman Addition to the Town of Harrisonburg, of record in the papers of ended Chancery cause: City of Harrisonburg v. J. C. Staples, et al.; and further relies on recent field work of its own engineers.*
- 3. The parties have agreed to establish the location of East Water Street and desire to enter into this Boundary Line Agreement for the purpose of establishing the limits of Water Street and the property of Wharton, Aldhizer & Weaver and to provide a license for the continued maintenance of a certain structure now on the property owned by Wharton, Aldhizer & Weaver.*

NOW, THEREFORE, the parties hereto agree as follows:

1. Establishment of Boundary Line, Wharton, Aldhizer & Weaver and City of Harrisonburg hereby agree that the property line for East Water Street shall be as indicated on the plat which is attached hereto as Exhibit A and Wharton, Aldhizer & Weaver hereby quit claim unto City of Harrisonburg any right, title and interest it may have in such property located North of that property line and lying within what shall now be the designated boundary of East Water Street.

2. License. City of Harrisonburg hereby grants to Wharton, Aldhizer & Weaver, its successors and assigns forever, a perpetual license to permit it to maintain, repair and replace the building and structure which encroaches over the boundary line and located in the Northeastern corner of Wharton, Aldhizer & Weaver's property. Wharton, Aldhizer & Weaver shall be entitled to repair and replace such property at its present location so long as any repair or replacement does not increase the encroachment upon the lands of City of Harrisonburg. This license shall run in favor of Wharton, Aldhizer & Weaver and its successors and assigns.

IN WITNESS WHEREOF, City of Harrisonburg and Wharton, Aldhizer & Weaver have caused this Agreement to be duly executed on their behalves as thereunto duly authorized.

CITY OF HARRISONBURG  
By \_\_\_\_\_ Mayor  
WHARTON, ALDHIZER & WEAVER  
By \_\_\_\_\_ Partner

Council Member Rhodes moved that Council approved, for second & final reading, a supplemental appropriation in amount of \$ 131,000 for a new radio communications system for the Fire Department, which appropriation had been approved for a first reading on August 25th, and that:

\$ 131,000 chgd.to: General Fund - Unappropriated Fund Balance

131,000 approp.to: General Fund (3201-7003.00) Fire Dept.- Cap.Outlay  
Communications Equip.

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

For information, City Manager Milam presented correspondence received August 28th from the Department of Waste Management, setting out names of individuals that had been appointed to comprise the Local Emergency Planning Committee for the County of Rockingham and City of Harrisonburg. It was noted that names appear in Council Minutes of August 25th, in that verification of appointments was made by the Fire Chief.

City Manager Milam called attention to Chapter 4 of the City Code entitled "Erosion & Sedimentation Control" and reminded Council that the ordinance had been adopted in 1975. Although Section 10-4-5 provides for an Administrator to be designated by the governing body to serve as the City's Agent, and administer the chapter, it was assumed that the City Engineer would serve in this capacity, although nothing was put in writing to this effect. Recently, due to the large number of projects, Manager Milam reported that he had assigned Assistant City Manager Roger Baker, to receive all plans and following review, to refer them to the proper department. He requested that Council designate Mr. Baker as Administrator, to oversee the various elements under Chapter 4. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, Assistant City Manager Baker was designated to serve as Administrator.

City Manager Milam presented for Council's consideration of approval, the following Resolution, amending a Resolution approved by Council on August 11th, providing for issuance of General Obligation Bonds for capital projects for School purposes, which Resolution accompanied correspondence from Ms. Mary G. Morris of the Law Firm of Wharton, Aldhizer & Weaver, Bond Counsel:

A RESOLUTION AMENDING A RESOLUTION ADOPTED AUGUST 11, 1987 AUTHORIZING THE CONTRACTING OF A DEBT AND THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE CITY OF HARRISONBURG, VA. IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT MILLION DOLLARS (\$8,000,000.00) FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CAPITAL PROJECTS FOR SCHOOL PURPOSES WITHIN THE CITY OF HARRISONBURG, VIRGINIA.

Whereas, the City Council of the City of Harrisonburg, Virginia (the City) adopted on August 11, 1987, a resolution authorizing the contracting of a debt in the maximum amount of Eight Million Dollars (\$8,000,000.00) and the issuance of general obligation bonds of the City in said amount to finance a portion of the cost of capital projects for school purposes within the City (the Prior Resolution); and

WHEREAS, the Virginia Public School Authority (the Authority) now has offered redemption provisions which are more favorable than those set forth in the Prior Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HARRISONBURG, VIRGINIA, THAT THE PRIOR RESOLUTION BE AMENDED AS FOLLOWS:

1. SECTION 1 of the Prior Resolution is amended at Paragraph 2 to read as follows:

The Bonds maturing on or before December 15, 1996 are not subject to redemption prior to their stated maturities. The Bonds maturing after December 15, 1996 are subject to redemption at the option of the City, with the prior written consent of the Authority so long as it is the registered owner thereof, prior to their stated maturities only in whole or any date not earlier than December 15, 1996, upon payment of the redemption prices (expressed as percentages of par value), together with the interest accrued thereon to the date fixed for redemption, set forth below:

Redemption Dates (both inclusive)	Redemption Prices
December 15, 1996 to June 14, 1997	102 %
June 15, 1997 to December 14, 1997	101 1/2
December 15, 1997 to June 14, 1998	101
June 15, 1998 to December 14, 1998	100 1/2
December 15, 1998 and thereafter	100

2. SECTION 6 of the Prior Resolution, setting forth the form of the Bonds, is amended with respect to the redemption provisions, consistent with the amendment to SECTION 1 stated above.

3. This resolution shall take effect immediately upon adoption.

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous recorded vote of Council, the Resolution, amending the prior Resolution, was approved.

There being no further business and on motion duly adopted, the meeting adjourned at 9:15 p.m.

\_\_\_\_\_  
CLERK

*Walter F. Green Sr.*  
\_\_\_\_\_  
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. 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 September 8th were approved as read.

City Manager Milam called attention to the Report on Audit of Commonwealth Revenues for year ended June 30, 1987, submitted by the Auditor of Public Accounts. The report sets out: Cash on hand, \$ 11,297.; Cash in bank, \$ 4,028., resulting in balance of \$ 15,325 in Commonwealth Fund. A copy of the report will be available in the Office of City Manager, for public inspection.

School Superintendent Hiner informed Council that a Career Fair and College Night Activities is being planned for October 5th to be hosted at the JMU Convocation Center, with purpose to expose opportunities available to our youth. He requested Council's support through adoption of a Resolution proclaiming October 5th as Career Education Day in Harrisonburg, with citizens encouraged to participate in relevant activities. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson and a unanimous vote of Council, the Resolution was approved.

Correspondence was presented from Mr. Terry Stoehr, Personnel Manager/Safety Director of Holly Farms Poultry Industries, Inc., concerning a traffic problem along North Liberty Street and Kratzer Avenue. It was noted that several business establishments along a six block section of North Liberty Street have entrances to their facilities, with tractor trailers and large trucks used in their day to day operations. Inasmuch as Liberty Street is also used as a major access road from Route 42 to other commercial businesses in the northern part of the city, the traffic mix is causing a hazardous condition for those traveling this section of road. Request was made for consideration of the following safety measures to be taken:

- 1) Flashing Caution Light to be installed at the crest of the hill before reaching the Kratzer Avenue interchange.
- 2) Pedestrian Crosswalks at the interchange of Liberty Street and Kratzer Avenue.
- 3) Elimination of two parking spaces in front of Holly Farms at the north end of the property, which would provide a safer situation for those exiting Holly Farms onto Liberty Street.

Council Member Shank offered a motion for the correspondence 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.

Mr. Timothy Hupp of 564 Norwood Street, was present in the meeting to express concern about water which has been standing in the street since Labor Day. He noted that the other end of the street is narrow, and that he feels the city has an obligation to clear the street, in that the area has no storm sewer. Pumping could be a temporary solution, and according to Mr. Hupp, this is not too much to ask of the city, in that the situation is both a safety and health hazard. He expressed a hope that using a sink hole for drainage is not a long term solution. City Engineer Wilcox pointed out that this is a very low area, and that the sink hole has been filled by a property owner, which blocks the drainage. He traced location of a sewer line which would have to be run, at a cost of approximately \$ 150,000. City Manager Milam noted that the line would have to cross 4 lanes at Norwood Street and that in addition to the \$ 150,000 quoted by the City Engineer, an additional \$ 80,000 would be needed for the entire project. Although an amount of \$ 30,000 was placed in the current budget, the amount was used to purchase a house at the corner of Reservoir & Norwood Street, in order to widen that section of Norwood. When Council Member Rhodes asked if the water had been pumped, Manager Milam replied that it had not, in that it is on privately owned land, but noted that he would ask the Fire Department to pump, if possible. He said that under the old Virginia Law, "you have to protect yourself against the upstream property owner." When Vice-Mayor Dingleline asked what could be done about water standing in a street, and whether or not a temporary pipe could be installed to the sink hole, City Attorney Thunma pointed out that the parking lot is a problem, also. Council Member Robinson asked Mr. Hupp if he had confronted the property owner, and he replied in the negative. Manager Milam suggested that funds could be taken from some other project, but said he would like authority to negotiate for rights-of-way, or to institute condemnation on the necessary landowners. He said the city could either purchase the entire land, or acquire easements, which may result in court action. The City Attorney said the best way, would be acquisition of easements. Following discussion, the Vice-Mayor offered a motion for the City Manager to be authorized to pursue the matter of easements, or land acquisition, or whatever is necessary to correct the problem. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council. In conclusion, the City Attorney pointed out that the residents have recourse, in that they have suffered water damage, while the city does not, due to the difficulty in claiming street damage. Manager Milam said the city would do the best it could in pumping the street water, although it has no right-of-way, but

added that this is not the solution to the problem.

✓ Mr. Kevin Rishell, a homeowner on Country Club Road, addressed a problem of water run-off from Country Club Road, and asked Council what could be done about the flooding problem. Council Member Robinson said that Star Crest Drive was "hit extremely hard" from recent rains, and that windows were broken in the basement at the Shomo house which is situated on the corner. He noted that the area does not have an adequate sewer system, and questioned whether the city would continue to allow construction, or cease to allow construction, until the problem is solved. Mr. Rishell informed Council that a drainage ditch cuts through his property, which worked adequately until 5 years ago, when it carried water from nearby hills, but is no longer sufficient to handle pavement and rooftops from shopping centers and homes near Route 33. City Engineer Wilcox said that according to measurements, the September 11th downpour was comparable to a 25-year storm. The retention ponds at Spotswood Square Subdivision operated properly, while two retention ponds for Skyline Village Subdivision (one completed) are designed to handle 10-year storms. When Mayor Green asked about a long-range plan for the problem in the Country Club Road area, Mr. Wilcox replied that a long-range plan has not been made, but added that the Soil Conservation Commission and Federal Emergency Management Administration (FEMA) had promised the City an up-date report in 1984, when a meeting was held to discuss solutions to the drainage problem. To date, this has not been received. Mayor Green gave assurance that the city would pursue the matter to see what can be done, and asked the City Engineer to contact the SCC and FEMA for input concerning the situation.

✓ Correspondence was presented from Mr. Neil Turner, President of Shenandoah Valley Builders Association, requesting designation of the Shenandoah Valley Home and Garden Show, as a trade show, in accordance with Sec. 18.2341 (21) of the State Statute. It was noted that the show, which is an annual event, had been held at the Rockingham County Fairgrounds, and is being moved this year to the James Madison University Convocation Center inside the City of Harrisonburg. The event is scheduled for Friday, Saturday and Sunday, March 25, 26 and 27, with purpose of the show, to acquaint the public and members of the industry with the new products, processes and technologies of the home building industry. City Attorney Thumma informed Council that he had consulted with Commonwealth's Attorney David Walsh, who is of the opinion that the event should be considered a trade show. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous vote of Council, the Show was so designated.

✓ The following report from the September 16th meeting of the City Planning Commission, was presented:

*"...Following the Public Hearing, during which ten citizens spoke in favor of Hoyo and Sara Moore's request to rezone the Joshua Wilton House (412 South Main Street) from R-3 Multiple Dwelling District to B-2 General Business District, and when 9 letters endorsing the rezoning were received, Mr. Hartman moved for the Commission to recommend rezoning the Joshua Wilton House from R-3 Residential to B-2. Mr. Hughes seconded the motion and all members present voted in favor. Chairman Trobaugh added that Mr. Moore will be applying for 'Conditional B-2 Business' at City Council's next meeting..."*

Attorney Stevr Blatt, representing the Moores, explained that the rezoning request to B-2 General Business had been applied for, to show good faith, and due to passage of the new Zoning Ordinance, his clients had also applied for B-2 Conditional Zoning. He noted that the same conditions, as set out before, remain the same, and that the Planning Commission had to trust them to follow through on their second application, that of B-2 Conditional Zoning, with matter referred back to the Commission for review and recommendation. Vice-Mayor Dingledine offered an opinion that both applications could be consolidated, without the need of going through the same process a second time. He said he could not see any reason why Council could not schedule a public hearing, in that it is obvious that the Commission passed its recommendation for B-2, with the assumption of B-2 Conditional Zoning. City Manager Milam noted that an Ad had been prepared for a public hearing on October 13th for request to B-2 General Business, and that it would have to be amended, with date moved up until later in the month. City Attorney Thumma explained that at the time the application for B-2 was presented to the Planning Commission, they could not amend it to Conditional Zoning, in that the Statute states that all requests have to come from the application, with public hearing scheduled. Because of this, the application for Conditional Zoning has to go back to the Planning Commission, with advertisement to include conditions of the rezoning. A joint public hearing between the Planning Commission and City Council was suggested, which met with Council's approval. Following discussion, Council Member Shank offered a motion for a joint public hearing to be scheduled for Tuesday, October 27th, 7:30 pm, with amendment of the Ad for the Daily News Record, setting out the following conditions for the B-2 Conditional Zoning: facility will not be open to the public on Sundays prior to 12:00 noon so as to accommodate the activities of St. Stephens United Church of Christ, and that use of the property be restricted to a restaurant and inn facility, and that no other uses otherwise permitted under the B-2 Zoning District, therefore be permitted. 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 meeting of September 16th:

*"...The Commissioners studied the Final Plat of Reherd Acres, Unit 21, with 15 proposed lots east of Blue Ridge Drive. Surveyor George Foard reported that his engineer has reviewed construction plans with city staff. Utility and storm drainage easements are according to city requirements. The Director noted that 4-unit apartments are proposed on each lot, and 'shared' driveways will serve the off-street parking lots which will be primarily in the rear yard areas. Also, the proposed cul-de-sac of Nightingale Lane is 'Bluebird Court' rather than Blue Ridge Court.*

*Mr. Hughes moved and Mr. Rhodes seconded his motion for the Commission to recommend approval of the Final Plat of Reherd Acres Subdivision, Unit 21. The motion passed unanimously..."*

Planning Director Sullivan pointed out the location on a map and noted that the cul-de-sac street is closer to Blue Ridge Drive than the Commission would like. He added the fact that the private driveways would be maintained by the homeowners. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the recommendation of the City Planning Commission was approved.

The following Planning Commission report from its September 16th meeting, was presented:

...The Commissioners reviewed copies of proposed Blue Stone Hills Subdivision, Section 1. Surveyor J. R. Copper oriented the Commissioners to the Master Plan of the 143 acre development located on Chestnut Ridge southeast of Valley Mall. The Director reported that H.E.C. needs utility easements along lot lines and street names have been changed as follows: the road from East Market Street leading to the development will be 'Chestnut Ridge Drive' if approved, and the first street leading into the development will be 'Blue Stone Hills Drive' if approved. Mr. Copper pointed out where street grades are over 10% will exist in 3 locations, due to the hilly topography. Proposed development in Section 1 will be 29 single family lots, luxury apartments on 3 lots, and professional offices on 7 lots. The land is zoned R-3 Multiple Dwelling District.

Mr. Rhodes moved and Mr. Hartman seconded his motion for the Commission to recommend approval of the Final Plat of Blue Stone Hills Subdivision, Section 1, with variances for street grades in three locations that exceed 10% slightly. All members present voted in favor..."

Mr. Page Morris of the firm of Copper & Smith, explained the concept of the development, noting that the cul-de-sac had been made 55° for a better turn-around, and added that they would work with the city in devising a street plan, going up to Reservoir Street. 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, including the change in street names.

Council received the following Planning Commission report from its September 16th meeting:

...The Commissioners reviewed and discussed the proposed Final Plat of Longview Oaks Subdivision, Section 2. Surveyor J.R. Copper related the layout of the Master Plan of Longview Oaks. Section 2 will have two fairly large parcels (for apartments) and nine single-family lots on a cul-de-sac. The Director asked for the Final Plat to reflect the City Limits, easements for utilities and new names for the proposed streets. Mr. Copper promised these additions would be made.

Mr. Milam moved for the Commission to recommend approval of the Final Plat of Longview Oaks Subdivision, Section 2, subject to all construction drawings being approved by Staff. Mr. Hughes seconded the motion which passed unanimously..."

Planning Director Sullivan pointed out the location on a map and called Council's attention to the Final Plat, showing new streets, specifically, in the city. He noted that the entire development will be within the city, under R-2 Residential District, which allows apartments, as well as single family homes. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council, the recommendation of the City Planning Commission, as stated, was approved.

The following Planning Commission report from its September 16th meeting, was presented:

...The Commissioners studied a map of the George S. Aldhizer, II land on Statton Street. The proposal is to establish Parcel One, immediately behind Don R. Cook's property, which Mr. Cook desires to purchase, and Parcel Two immediately behind Evelyn Blanchr Colaw's property, which she desires to purchase. Both purchasers will thus enlarge their backyards. Statton Street is not open in this area.

Mr. Hughes moved and Mr. Milam seconded his motion for the Commission to recommend approval of the resubdivision of the Aldhizer Land on Statton Street. The motion passed unanimously..."

Planning Director Sullivan pointed out location of the land on a map, and noted that the neighborhood was notified of the proposed resubdivision, with no negative response. On motion of Council Member Robinson, seconded by Council Member Shank, and a unanimous vote of Council, the recommendation of the Planning Commission was approved.

Council received the following Planning Commission report from its meeting held on September 16th:

...Mr. Tom Jackson, General Manager of the Harrisonburg Sheraton Hotel, explained to the Commission that his company proposed to exchange three small parcels with Kawneer Company, as illustrated on a map drawn by Surveyor Robert Jellum. Mr. Bill McMickens of Kawneer was present to confirm the proposal. The purpose is to allow for additional parking and traffic lanes as the Sheraton Inn expands. Mr. Sullivan noted that H.E.C. officials have reviewed the plan and some H.E.C. equipment will have to be relocated.

Mr. Hughes moved and Mr. Hartman seconded his motion recommending approval of the land exchange of three parcels between Harrisonburg Hotel Associates and Kawneer Company. The motion passed unanimously..."

Planning Director Sullivan pointed out location of the parcels on a map, and Council was informed that the Harrisonburg Electric Commission has been in touch with Sheraton Inn personnel concerning what has to be done in relocation of equipment. On motion of Council Member Rhodes, 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 September 16th meeting, was presented:

...The Commissioners again reviewed the request from Mr. Irvin Nash to divide his residentially developed property at 76 East Grattan Street into two separate lots. Since the August meeting, Messrs. Mark Nissley and Gene Gibb have bought the property jointly. They were present to say they still desire to divide the lot, primarily for financing and insurance reasons. Mr. Hartman reported that he visited the property, and both Mr. Nissley and Mr. Gibb have room to expand the off-street parking spaces on the Federal Street side. The Commissioners noted that the two dwellings had been remodeled and improved.

Mr. Hartman offered a motion that the Commission recommend approval of the re-subdivision of the former Irvin Nash lot at 76 East Grattan Street, with a variance to the minimum lot size required in R-2 Residential Districts, and for a zero-setback on the garage located on Lot 2. Mr. Hughes seconded the motion and all members present voted in favor..."

On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the recommendation of the Planning Commission, as stated, was approved.

Through correspondence from Mr. William Wright, General Manager of Warner Cable Communications, Inc., request was made for Council's consideration of renewing the present lease at Tower Street, which lease will expire April 1, 1988. A second request was for expansion of the parcel size due to the need to enlarge the present building to 20' x 20', as well as the operation and construction of additional additional dishes and small towers. Council's attention was called to a map, setting out the present parcel under lease, as well as the requested expanded area. City Manager Milam noted no plans to enlarge the city's reservoirs, and recommended that in view of the 15 year franchise which was renewed in July of this year, the lease for the requested area on Tower Street adjacent to city reservoirs, be renewed, to run concurrently with the company's franchise period, with 1981 payments to the City to remain effective. On motion of Council Member Shank, seconded by Council Member Robinson and a unanimous vote of Council, the recommendation of the City Manager was approved.

City Manager Milam called attention to correspondence from City Engineer Wilcox, setting out three (3) bid proposals of September 9th, for the Lower Ridgeville Interceptor, as follows: Atlantic Coast Contractors (Charlotte, N.C.), \$ 143,764.00; Marshall Bros. Construction (Danville, Va.), \$ 156,881.00; Aaron J. Conner (Salem, Va.), \$ 183,550.00. The correspondence included also, copy of correspondence from the Engineering Firm of Wiley & Wilson, advising the City Engineer that although the low bid submittal of Atlantic Coast Contractors, is in order, they would recommend that all bids be rejected, and the project incorporated in the overall total project for Ridgeville, which, they feel, would create more interest in the project and allow for more competitive bids. Manager Milam cited provisions in an agreement between James Madison University and the City of Harrisonburg, which had been signed, following negotiations in 1984 and 1985 for easements to serve the Ridgeville area. He noted that should the Project, which has been rejected once, be rejected a second time, it would be delayed into the third growing season. Inasmuch as the Water/Sewer Superintendent has expressed an opinion that the contract should be awarded in order to fulfill the city's obligation to JMU for the sewer easement, and the fact that Atlantic Coast Contractors submitted the same bid as in May of this year, Manager Milam suggested that the low bid be authorized, to allow the city to "get on with its work" in the Ridgeville area. Vice-Mayor Dingledine offered a motion for the low bid of Atlantic Coast Contractors in amount of \$ 143,764.00, to be accepted, and the motion was seconded by Council Member Shank and adopted by a majority vote of Council. Voting aye: Council Members Rhodes, Robinson, Shank and Dingledine. Abstaining: Mayor Green.

Mr. James Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, was present in the meeting as follow-up to his correspondence of September 17th, along with Mr. James Sipe, attorney for the Authority. Council was informed that on September 16th, the Authority had passed a resolution recommending that the City Council authorize the expansion of the Rehabilitation District (as shown on an attached map), in order to be able to provide loans, grants and other financial assistance to stimulate the rehabilitation of existing single-family homeowner occupied housing units in the recommended area. The Authority would also work with non-profit organizations in order to develop moderately-priced single family homes on vacant lots within the district. Loans would be made available, by the Authority, at 3 to 7% interest rates, in order to stimulate the aforementioned activities, with interest rate based on the homeowner's income, in relation to the city's median income. Loans for the programs would be made available through tax exempt bonds issued by the Authority. The following Resolution was presented for Council's consideration of approval, authorizing expansion of the Rehabilitation District in the City of Harrisonburg:

*WHEREAS, the Harrisonburg Redevelopment & Housing Authority has recommended by a resolution adopted at their regular meeting on September 16, 1987, a copy of which is attached, that the City Council, pursuant to the provisions of Section 36-52.3 of the Virginia Code, as amended, adopted a similar resolution declaring that an expanded area of the City of Harrisonburg, as more particularly described in the boundary description and area shown in red and yellow upon the boundary map attached hereto and made a part hereof as Exhibits 1 and 2, is a "Rehabilitation District"; and*

*WHEREAS, such area is adjacent to the area embraced in the "Conservation Plan" previously adopted by the City Council, and if said area is not rehabilitated, it is likely to deteriorate to a condition similar to that which existed in the area embraced in the conservation plan; and*

*WHEREAS, pursuant to Title 36 the Harrisonburg Redevelopment & Housing Authority is unable to assist owners or occupants within the proposed rehabilitation district, including the power to lend money and make grants to said owners or occupants, until the Council declares the area as a "Rehabilitation District",*

*NOW, THEREFORE, IT IS HEREBY RESOLVED that the portion of the City of Harrisonburg more particularly described in the boundary description and the red and yellow areas of the map attached hereto as Exhibits 1 and 2, respectively, is adjacent to an area embraced in a "Conservation Plan" previously approved by the City Council pursuant to Section 36-49.1 and said adjacent area is deteriorating and, if not rehabilitated, is likely to deteriorate to a condition similar to that which existed in the area embraced in the "Conservation Plan", and*

*BE IT FURTHER RESOLVED, that the following boundary area, and boundary map (Exhibits 1 and 2) is declared and designated as a "Rehabilitation District" within the meaning of Section 36-52.3 of the Virginia Code, amended, in order to enable the Harrisonburg Redevelopment & Housing Authority to, among other things, encourage and assist property owners within the "Rehabilitation District", including the power to lend money and make grants to owners or occupants within said district toward the prevention and elimination of deteriorating conditions therein:*

*All that area bounded by lines beginning at the intersection of Maryland and South Willow Streets; thence northerly along South Willow Street, crossing West Bruce Street and West Water Street and continuing along South Willow Street to the intersection of West Market Street, westerly along W. Market Street to the intersection of North Dogwood Drive, northerly along North Dogwood, to the intersection of West Gay Street. Westerly along West Gay Street to the intersection of Statton Street. Southerly along Statton Street to intersection of Hartman Drive. Northerly along Hartman Drive to the intersection of Second St. Easterly along Second Street to the intersection of North Willow Street. Northwesterly along N. Willow Street to the intersection of Third St. Easterly along Third St.,*

to the intersection of Lee Avenue. Northerly along Lee Avenue to the intersection of Fourth Street. Easterly along Fourth Street, to the intersection of Virginia Avenue. Northerly along Virginia Avenue to the intersection of Fifth Street. Easterly along Fifth Street to the intersection of Collicello Street. Northerly along Collicello Street to Sixth Street. Easterly along Sixth Street to the intersection of North Liberty Street. Northerly along North Liberty Street to the intersection of Suter Street. Easterly on Suter Street to intersection of Jefferson Street. Southerly along Jefferson Street to intersection of Ashby Avenue. Easterly along Ashby Avenue to intersection of North Main Street. Southerly along North Main Street to intersection of Washington Street. Easterly along East Washington Street to Vine Street. Southerly along Vine Street, to intersection of Old Furnace Road. Westerly along Old Furnace Road to intersection of East Market Street. Easterly along East Market Street to intersection of Hawkins Street. Westerly along Hawkins Street to intersection of Myers Avenue. Southerly along Myers Avenue, to intersection of the first alley, then westerly on said alley to intersection of Ott Street. Northerly along Ott Street to the intersection of Campbell Street. Westerly along Campbell Street to intersection of South Main Street. Southerly along South Main Street to intersection of Grace Street. Westerly along Grace Street, to the intersection of South High Street. Southerly along South High Street, to the intersection of Maryland Avenue. Thence, westerly along Maryland Avenue to the intersection of South Willow Street, the place of the beginning.

On motion of Council Member Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the Resolution was approved.

✓ City Manager Milam reported that the Board of Zoning Appeals met on September 21st concerning construction at 85 North High Street, with action recorded in the Board's minute book.

✓ For information, City Manager Milam reported that the Virginia Public School Authority held its sale last Thursday for Harrisonburg and some other areas, with closing dates on bond issues scheduled in New York, Richmond and Harrisonburg on October 6th, 7th and ending on the 8th. The Mayor, Clerk, City Attorney and City Treasurer will meet at the Law Firm of Wharton, Aldhizer & Weaver (Bond Counsel) on Tuesday, October 6th at 2:00 p.m. to sign the bonds and other necessary documents in closing the \$8 million General Obligation Bonds to be used for Harrisonburg school purposes.

✓ For information and filing, City Attorney Thunma presented the Order of the Circuit Court of Rockingham County, setting out appointment of Mr. William L. Blair to a five year term on the Board of Zoning Appeals, from March 20, 1987 to March 20, 1992. The Order was entered on September 3, 1987.

✓ Council Member Robinson registered a request he had received for a street light on Central Avenue between Keister School and South Avenue, to make the area safer for pedestrians, joggers, etc.

✓ Council Member Shank registered complaints concerning time limit on the traffic light at Maryland Avenue and Main Street. Assistant City Manager Baker noted that several intersections are being upgraded through that area, and offered an opinion that after the lights are synchronized, they should work as designed.

✓ Council Member Rhodes registered complaints concerning odors from Holly Farms, and the City Manager said he would contact Mr. Harrison concerning the matter.

✓ Council Member Rhodes once again, addressed the problem of truck traffic on Mason Street, and offered a motion for the matter to be referred to the Harrisonburg Transportation Safety Commission for review, and report. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

At 9:50 p.m., on motion of Council Member Robinson, seconded by Vice-Mayor Dingledine, and a unanimous vote, Council entered an executive session to discuss real estate and personnel.

On motion duly adopted, the executive session was closed at 11:05 p.m. and the regular session reconvened. There being no further business, the meeting was adjourned.

CLERK

Stacy F. Jones  
MAYOR

Tuesday, October 13, 1987

At a regular meeting of Council held in the Council Chamber this evening at 7:30 there were present: 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 September 22nd 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 September, 1987.

From the City Treasurer:

A Trial Balance Report for month of September, 1987.

From the Police Department:

A report of fines & costs, \$ 4,758.; cash from street parking meters, \$ 7,007.47; total cash collected for September, \$ 11,765.47.

From the City Auditor:

A financial report for City of Harrisonburg, month of September, 1987.

A report of cash discounts saved in payment of vendor's invoices for month of September, 1987, totaling \$ 643.11.

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, 1987.

✓ Council received a zoning amendment application, submitted by Mr. John Q. Adams of 44 East Market Street, for rezoning 5.82 acres of land situate on both sides of Franklin Street, from R-2 Residential to B-2 General Business. The area is designated on the City Block Map as Lots 12 through 18 and 20 through 28, Blocks J & K. On motion of Vice-Mayor Raymond Dingleline, seconded by Council Member Thomas Robinson, and a unanimous vote of Council, the request was referred to the City Planning Commission for review and recommendation.

✓ City Manager Milam called Council's attention to agenda item 3(b) for this evening, stating a request from Mrs. Ruby Britt for rezoning of her property at 1168 South High Street from R-2 Residential to commercial. He noted that a second letter had been received today from Mrs. Britt, asking that her request be cancelled, in that the owners on each side of her property will not agree to the rezoning.

✓ Council received a second letter from the David Hansons and George Weads of South Dogwood Drive, expressing appreciation for the increase in police patrols and stop lines which have been painted on Maryland Avenue at South Dogwood, since their previous request for various safety measures in the Sunset Heights area. Concern was expressed in that a response from Council had not been received, to date. City Manager Milam made reminder that the earlier correspondence had been presented at Council's June 23rd meeting, and referred, at that time, to the Harrisonburg Transportation Commission for review and report. He said it was his understanding that minutes of the Commission's meeting had not been prepared. Council Member Rhodes, a member of the Commission, noted that the Secretary has been on vacation, and minutes were not in order for presentation at this evening's meeting. The Commission Chairman has contacted the requestors, advising them that they would receive copies of minutes, setting out action taken. A report from the Commission will be received by Council, prior to its next meeting.

✓ City Manager Milam called attention to the Final Plat for Reherd Acres Subdivision, Unit 23, which had been mailed out to all members. He noted that the section had been brought up, by the owners, at the August meeting of the City Planning Commission, and was discussed at that time. It was felt by members of the Commission that it was not necessary to carry the matter over to the September meeting, and a letter had been received from the Planning Director, indicating that all is in order for approval of Unit 23. Manager Milam pointed out location of the section which is composed of eight lots. Council Member Rhodes, a member of the City Planning Commission, said there had been some complaints concerning surface water, some time ago. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the Final Plat of Reherd Acres, Unit 23, was approved.

✓ Mayor Green addressed the problem of flooding which occurs at the intersection of Star Crest, Blue Ridge and Broad View Drives, particularly on the Shomo and Plum properties. He said the City would have to take some action about water backing up on these lots. When Developer Jack Depoy noted location of the drain pipes, City Manager Milam said that to his knowledge, it is an open ditch and that pipes do not go all the way to Country Club Road. Mr. Depoy pointed out that the pipes go behind the lots. Following discussion, Mayor Green asked the City Manager to have the City Engineer look into the situation, to determine what can be done with regard to the intersection.

✓ Correspondence was presented from Mr. Lance Braun, a representative of Skyfire Pyrotechnical Displays Unlimited, and authorized agent of Dominion Fireworks of Petersburg, Va., advising City Council that due to inclement weather on September 17th, the fireworks display at James Madison University, approved by Council, had to be postponed to a future rain date. Request was made for permission to hold the display at the JMU practice football field on Saturday, October 31st, 7:30 pm, prior to the concert at the Convocation Center, as a part of JMU Homecoming activities. It was noted that the display is covered by a \$1 million public liability insurance policy, which was provided the City Manager, prior to the September display which was not held. The matter was discussed briefly, including the necessity for publicity concerning the display, in order to inform the general public. Council Member Shank offered a motion for permission to be granted for the October 31st display, with request for J.M.U. to publish notice of same in the Daily News Record newspaper, in conjunction with information concerning other planned activities. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

✓ The following resolution, which has been approved annually over past years, was presented for Council's consideration:

*BE IT RESOLVED, that curfew is hereby declared, to be effective and enforced at and after the hour of 11:00 p.m. on the night of Saturday, October 31, 1987 (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 \_\_\_\_\_ day of \_\_\_\_\_, 1987

Atteste:

Clerk

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

✓ City Manager Milam called attention to correspondence dated 8/7/87 from Shenandoah Telephone Company, advising of its plans to construct a fiber optic cable from the Harrisonburg Continental

Telephone Company office on Newman Avenue, to its Weyers Cave office, under approval of the State Corporation Commission, to furnish interexchange facilities. It was noted that conduit space would be leased from ConTel for placing facilities between their office and Route 11 at Port Republic Road, and further, to lease space on the company's poles and on two poles of the Harrisonburg Electric Commission along Port Road. A description of the project, fiber route map and detailed staking sheets, were included with the correspondence. Manager Milam reminded Council that request had been made in 1985 for a 40 year franchise (revised to 30 years), with little or no information provided concerning cable route, location of poles, etc. Request was made for more detailed information, which has been received through information before Council this evening, and which information has been reviewed and discussed through public works. He suggested that permission be granted for the company to utilize the existing conduits and poles in the particular location along South Main Street, rather than granting a blanket franchise which would involve much red tape through public hearings, etc. Following discussion, Council Member Shank offered a motion for Council to permit the company to use existing facilities, as suggested by the City Manager. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam presented two lists of delinquent water, sewer & refuse accounts, submitted by the Department of Utility Billing, requesting authorization to charge the individual accounts off city records as uncollectable: List totaling \$ 11,140.06 on which individual accounts had been processed by the Delinquent Tax Collector, through the Sheriff's Office, etc., and a second list totaling \$ 1,984.94, setting out accounts of \$25.00 or less, not required to be turned over to the Collector. It was noted that none of the consumers listed, currently have service with the city. Manager Milam noted that although the accounts may be charged off, the office would continue making an effort to collect the amounts, particularly if services are reapplied for, under the same name. During discussion, the subject of required deposits and the Utility Deposit Assistance Program for Students, was addressed. City Auditor Peterman pointed out the fact that some students leaving the city, owing bills from \$75 to \$100, with only \$25 to \$30 of the amount paid by the University under the Program. Manager Milam noted that under the present ordinance, deposits are refundable after a 12 month period, providing the bills are paid on or before the past due date during the year. Following a review of the lists, particularly those in excessive amounts, Council Member Robinson offered a motion for the Department of Utility Billing to be authorized to charge the accounts off city records, with one questionable account to be investigated by the City Auditor, through the Delinquent Tax Collector. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council. City Auditor Peterman was asked to bring in some information concerning deposits required of consumers, as well as students under U.D.A.P., to the next meeting of Council.

Council received a request from Assistant City Manager Roger Baker for approval of a supplemental appropriation in amount of \$ 3,181.00 in order to appropriate monies received from the state for Litter Control, into proper account. Vice-Mayor Dingleline moved that the appropriation be approved for a first reading, and that:

\$ 3,181.00 chgd.to: General Fund (1901.01) Recoveries & Rebates

3,181.00 approp.to: General Fund (4108-5414.01) Highway & Street Beaut.-Litter Control

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

A request was received from Street Superintendent James Baker for approval of a 2-part transaction, for purchase of a Landfill Compactor: transfer of funds in amount of \$ 142,876.00 from the General Fund Unappropriated Fund Balance, into the Sanitation Fund Unappropriated Fund Balance, and a supplemental appropriation in the same amount in order to place the funds into the proper Sanitation Fund account. Assistant City Manager Roger Baker informed Council that the compactor would replace the present piece of equipment which has not been used for a couple of weeks, due to irreplaceable parts. City Manager Milam noted that the compactor should last from 10 to 15 years, and is badly needed. Council Member Rhodes moved that the transfer of funds be approved, and that:

\$ 142,876.00 trans.from: General Fund - Unappropriated Fund Balance

142,875.00 trans. to: Sanitation Fund- Unappropriated Fund Balance

The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council. Council Member Rhodes then offered a motion for the supplemental appropriation to be approved for a first reading, and that:

\$ 142,876.00 chgd.to: Sanitation Fund - Unappropriated Fund Balance

142,876.00 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.

Assistant City Manager Roger Baker reported that he, along with City Attorney Thurma, City Engineer Wilcox and Street Superintendent James Baker, had met with representatives of the Soil & Water Conservation District, to discuss storm water control. They met also with several property owners in the Reherd Acres/Country Club area concerning the problem of flooding. He noted that Mr. Crafton, Water Control Engineer of the Soil Conservation Service, Richmond, Va., offered an observation that no amount of erosion would have controlled flooding during the 25 year storm, as measured in September. Mr. Baker said the Soil & Conservation Commission is in the process of drawing a flood map for the Country Club Road area. Mayor Green asked how long red clay is held, under the law, and added the fact that it does not take a 2-year storm for clay to form on East Market, Reservoir, etc. Mr. Baker made reminder that the City has a Soil & Sedimentation Erosion Ordinance on the books, which must be enforced, with contractors made aware of the necessity for them to comply. He added the fact that the issue of soil & sedimentation would be addressed by the General Assembly in its next session.

City Manager Milam called attention to the Financial Report for Harrisonburg Electric Commission, for year ended June 30, 1987, setting out Assets and Liabilities in amount of \$ 23,968,965. A copy of the report will be on file in his office for review.

Mayor Green called attention to correspondence dated 10/8/87 from Mr. T.J.O'Neil, Vice-President of Virginia Power, requesting the City's consideration concerning initiation of a study to determine whether it would be advantageous for Harrisonburg to have Virginia Power purchase its electric system. The Mayor suggested that Council go on record as requesting some recommendation from the Harrisonburg Electric Commission, in that Council does not go over a commission, and act on any matter, without a review and report from the commission involved. Council Member Shank offered a motion for a recommendation to be requested by Mayor Green, in a letter to Mr. Earl Budd, Chairman of H.E.C., in that

each commission member had received a copy of the correspondence from Virginia Power. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam called attention to financial statements of the Shenandoah Valley Airport Commission, year ended June 30, 1987, prepared by Arehart Associates, Ltd. A copy will be on file in his office for review.

Council Member Rhodes addressed, once again, the problem of making a left turn at the intersection of South Avenue and South Main Street, which matter had been before the Harrisonburg Transportation Safety Commission, of which he is a member. He offered an opinion that the Commission should take another look at the situation, and moved that the matter be referred back, for that purpose. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Mayor Green registered a complaint from Mrs. Paige Nash of 80 Maplehurst Avenue, concerning illegal parking in the special permit parking area of Hillcrest Drive and Maplehurst Avenue, as well as students running across properties and walking on parked automobiles. The matter was discussed briefly, with the Chief of Police requested to look into the situations, and to pass along information re parking, to the Planning Director, for consideration in the Commission's study of establishing color coding for the various special permit areas.

Mayor Green questioned where the situation of improvements to the Cantrell/Paul intersection stands at the present time, and whether or not the traffic light has been ordered. Council Member Rhodes, a member of the Harrisonburg Transportation Safety Commission, reminded Council that improvement plans, designed by the Virginia Department of Transportation, had been approved by Council in 1985, as recommended by the Commission, and that in May of this year, Council approved a recommendation of the Commission for installation of a traffic light with sufficient pavement on either side of the light for four lanes of traffic on Cantrell at the intersection, and that the remainder of Cantrell Avenue from the crest of the hill at Rockingham Memorial Hospital to Reservoir Street be widened to four lanes as soon after installation of the light as traffic, development and finances deemed possible. Assistant City Manager Roger Baker informed Council that present equipment is being refurbished at the present time in order to determine what can be salvaged for use at the intersection, and the situation of widening to four lanes is being investigated. A search is on, to locate the improvement plan which was designed by the Virginia Department of Transportation. Mayor Green asked that Council receive an update report at its next meeting on October 27th.

At 9:10 p.m., on motion of Council Member Shank, seconded by Vice-Mayor Dingledine, and a unanimous vote, Council entered an executive session to discuss personnel and property.

At 10:17 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened and adjourned.

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 CLERK


 MAYOR

Tuesday, October 27, 1987

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 October 13th were approved as corrected.

Correspondence was presented from Ms. Nancy A. Sedwick, R.N., requesting the rezoning of a lot adjacent to the Blue Ridge Women's Health Center which is situate at 1240 South Main Street. It was noted that the lot would be used for parking due to the fact that patient and staff vehicles have increased to such a degree that adequate parking has become a problem at the Center. It was noted further that conditional rezoning would be appropriate in that there is no intention of utilizing the property for any other purpose than for a medical facility. 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 recommendation.

At 7:50 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 publicized in the Daily News Record on October 8th and October 22nd:

*The Harrisonburg City Council and Harrisonburg Planning Commission will hold a joint Public Hearing on Tuesday, October 27, 1987, at 7:30 p.m. in the City Council Chambers to consider the following rezoning request:*

*To rezone from R-3 Multiple Dwelling District to B-2 Conditional General Business District, Lot 3, Block 0, Page 26 of City Block Map. This parcel is located on the southeast corner of South Main and Campbell Streets.*

*Requestor is Hoye and Sara Moore.*

*Conditional zoning proffer*

- 1. Dwelling (Joshua Wilton House) will be converted into an inn and restaurant.*
- 2. Restaurant will not be open to the public on Sundays prior to 12:00 o'clock noon.*
- 3. The use of the property will be restricted to an inn and restaurant, and no other use otherwise permitted under the current B-2 zoning district will be permitted.*

*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 report of the City Planning Commission which was presented to Council on September 22nd:

*Following the public hearing, during which ten citizens spoke in favor of Hoyer and Sara Moore's request to rezone the Joshua Wilton House (412 South Main Street) from R-3 Multiple Dwelling District to B-2 General Business District, and when 9 letters endorsing the rezoning were received, Mr. Hartman moved for the Commission to recommend rezoning the Joshua Wilton House from R-3 to B-2. Mr. Hughes seconded the motion and all members present voted in favor. Chairman Trobaugh added that Mr. Moore will be applying for 'Conditional B-2 Business' at City Council's next meeting.*

Planning Director Sullivan presented copies of a map, setting out location of the Joshua Wilton House, gave background information concerning the request, leading up to the present time, and noted that if rezoned to B-2, the business district would be extended southward on Main Street. The Planning Commission had endorsed the rezoning to B-2, with the understanding that B-2 Conditional General Business District zoning would be sought by the requestors, in that this type of zoning has been provided for under the text of the amended Zoning Ordinance. Attorney Steven Blatt, representing the Moores, pointed out that the Planning Commission and City Council had been aware of the request over the past year and a half. He noted that his clients could not go forward on renovations to the interior of the house, until the rezoning issue is determined. He expressed a hope that the facility may be open by the first of next year, and asked consideration of Council for the B-2 Conditional General Business Zoning. An observation was made by a citizen that the requestors are "genuinely interested people who are willing to take the property and make it into something the community will be proud of." There being no others desiring to be heard, Mayor Green closed the public hearing at 7:55 p.m. and reconvened the regular session.

Mr. Walter R. Trobaugh, Jr., Chairman of the City Planning Commission, noted that his commission (majority of members present) had previously endorsed rezoning of the property. Mayor Green then asked members of Council, their wishes. Council Member Robinson offered a motion for the Joshua Wilton House, situate on the southeast corner of Main and Campbell Streets, to be rezoned from R-3 Multiple Dwelling District, to B-2 Conditional General Business District. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

A delegation of home and business owners in the Reherd Acres, Spotswood Acres and Country Club Road area (RSC Homeowners' Association) were present in the meeting in support of a petition containing 91 signatures, requesting Council to take responsible and effective action to remedy the storm water management and soil erosion problems in the area, through various measures. Mr. Glen Shomo, III, expressed awareness that the community is growing and the area problems (small and large) will not be inexpensive to solve. He expressed concern that if the situation is postponed any further, there will be problems with moderate storms. Assistant City Manager Roger Baker reported that he had met this afternoon with Mr. Ralph Smith, an employee of the street department for over 30 years, and that they had ridden into the neighborhood in question, and discussed the streets involved. The 24" pipe which runs from Star Crest Drive to Country Club Road, was installed about 20 years ago to take care of low flows of water in the neighborhood. However, at the time of installation, it was not expected to prevent flooding at all times. Drainage swales in the rear of lots is where the natural flow of water has occurred and curb & gutter was installed to handle regular storms and to get water out of the road. Mr. Baker noted that if either system is blocked, problems occur. Some of the pipes were partially blocked and flushing was done on a couple of occasions. Although the city has no easement for the swales, in that they are a natural flow way, they have been partially blocked, due to development in the area. He recommended that an outside engineering firm be employed to investigate the situation and present a report. Mr. Baker added the fact that any larger pipe than 24" would create a need for additional easements from property owners. Mr. Ralph Smith had offered an opinion that the situation is better now, than before development in the area, and had cited a situation where an underground garage had to be closed, due to flooding. Mayor Green asked what could be done and was told that a 24" parallel pipe could be installed which would require easements, and would not handle more than a 2-year storm, unless it would carry water through an open ditch which is not always desirable on a lot, by owners. When Vice-Mayor Dingleline questioned the variation in pipe size (48" into 24"); Mr. Baker replied that the pipes were installed at the time, in anticipation of taking care of the rainfall and possibly were determined as affordable, by the city. Mayor Green said it would be in order for the Country Club Corridor to also be discussed and considered. City Manager Milam noted that the entire drainage area would have to be completed. Mr. Baker offered an opinion that a master drainage plan is needed, to take care of the entire city, which may cost in the neighborhood of \$1 million. Manager Milam said that the 1,000 acre drainage area could be the beginning of the project, with prices quoted by some engineering firms. Council Member Shank offered a motion for the City Manager to be authorized to proceed, by obtaining quotations. The motion was seconded by Council Member Robinson and adopted by a unanimous vote of Council. Manager Milam said it may be 4 to 6 weeks before he could present the quotations to Council. When Mayor Green asked the timetable for receiving the map from the Soil & Water Conservation District, City Engineer Wilcox said his understanding was - sometime in January. Mr. Kevin Rishell of 1620 Country Club Road, said he was satisfied with Council's decision to employ an independent engineering firm to make a study of the drainage problems, but added that other measures would have to be taken in order to satisfy home and business owners in the area. He referred to the Soil & Sedimentation Laws and offered an opinion that the city is lacking in proper manpower to address the current problem. Mayor Green gave assurance that an effort would be made to obtain some answers from the city departments, within the next few weeks, and further, that the quotations from engineering firms would be expedited. He pointed out the fact that the Soil & Water Conservation people have been "slow" in giving the city some answers.

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

*"...Owner Jerry Scripture and Attorney Henry Clark explained to the Commission that they desire to vacate Hidden Creek Subdivision, Section 1, and replace it with proposed King's Crossing Subdivision. The new plan will have 22 single family lots, while the Hidden Creek Plan has 18 single family lots, and 3 duplex lots. The street layout will remain the same, but proposed Hidden Creek Court will be named 'Queen Anne Court.' All easements and designated flood plain will remain the same. Proposed Lot 15, facing Hidden Creek Lane, will be enlarged by the addition of a piece of land from the adjacent field.*

*Mr. Heath moved and Mr. Hughes seconded his motion for the Commission to*

*recommend approval of the Final Plan of King's Crossing Subdivision, Section 1, and vacating of Hidden Creek Subdivision, Section 1. The motion passed unanimously..."*

Planning Director Sullivan stated that the area was reviewed in Section 1 of Hidden Creek Subdivision, and that the developers would like to change the name, and the lot layout slightly along Hidden Creek Lane, which will benefit the shape of the lot. He noted all in order for approval. Attorney Henry Clark reiterated changes requested, as set out in the Commission's report. On motion of Council Member Robinson, seconded by Council Member Shank, and a unanimous vote of Council, the final plan of King's Crossing Subdivision, Section 1, and vacating of Hidden Creek Subdivision, Section 1, was approved, as recommended by the Planning Commission.

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

*"...Mr. Jerry Scripture requested the Commissioners to consider renaming proposed Parkwood Subdivision, a 21-single family development north of Sunrise Avenue to 'Oxford Square' Subdivision. He also asked that the two proposed cul-de-sacs be named 'Canterbury Court' and 'Londonderry Court' instead of Tall Oak Court and Shady Oak Court.*

*Mr. Hughes moved and Mr. Hartman seconded his motion to recommend renaming Parkwood Subdivision to 'Oxford Square' Subdivision, and the cul-de-sacs be named Canterbury Court and Londonderry Court. The motion passed unanimously..."*

On motion of Council Member Rhodes, 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 the meeting of October 21st, was presented:

*"...Attorney Glenn Hodge was present to report that Mr. Cletus Sellers had not signed the 1986 plat for Sellers Subdivision, Section 1, which had been approved by City Council on November 25, 1986. The signature was obtained on September 14, 1987 and re-approval is now being requested. Since all dimensions remain the same, Mr. Rhodes moved and Mr. Hughes seconded his motion for the Commission to recommend re-approval of Sellers Subdivision, Section 1. The motion passed unanimously..."*

Inasmuch as the report was self-explanatory, Council Member Shank offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

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

*"...Mr. James W. Flick of 1021 Greendale Road, told the Commissioners that he owns a one-acre corner parcel on Greendale Road, and would like to divide it into two lots. Mr. Flick's home will be on proposed Lot 2, and he plans to give proposed Lot 1 to his daughter. Mr. Heath moved and Mr. Rhodes seconded his motion for the Commission to recommend approval of the resubdivision of James W. Flick's property into 2 single family lots. The motion passed unanimously..."*

Planning Director Sullivan called attention to the attached map, noting no opposition from neighbors to the resubdivision, and no problem with sizes of the two lots. 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.

Council received the following report from the City Planning Commission's meeting of October 21st:

*"...The Commissioners reviewed a plat of Mr. Donald Horne's single family lot at 1012 Waterman Drive, showing a 303 square foot portion of the lot adjacent to an undeveloped public alley. Mr. Ray Gingerich of 1018 Waterman Drive told the Commissioners that he desires to purchase the small portion of Mr. Horne's lot in order to increase his street frontage for his home. The 20' public alley is in reality used as yard area by Mr. Gingerich. There is no request to close the alley.*

*Mr. Rhodes moved and Mr. Hughes seconded his motion for the Commission to recommend approval of the resubdivision passed unanimously..."*

Planning Director Sullivan pointed out the fact that there is a 20' undeveloped alley and some shrubbery planted by Mr. Gingerich some years ago, and that no request is being made for closing of the alley. When Council Member Sjangk asked if there was a possibility that the alley may be opened in the future, Mr. Sullivan noted that utility easements are located in the alley, and that an earlier request for closing had not been supported, either by some neighbors or the city, due to the easements. City Attorney Thumma pointed out that the alley was closed a number of years ago to be used for private driveways, and Planning Commissioner Dwight Hartman said that a portion of Mr. Gingerich's drive, goes to the alley. Mr. Gingerich noted that when Holiday Hills was subdivided, it was assumed that lots along Chicago Avenue would be commercial. In planning for a commercial area, the alley was drawn for an unloading alley for commercial establishments. Hence, the residential lots behind the alley, took on some strange shapes. He informed Council that he kept up and maintained the wedge, with Mr. Horne in agreement, in that it was felt better to place the alley into the hands of an interested individual for maintenance. Attorney Thumma said that under the proposed resubdivision, a separate lot would be created, which does not comply under the present ordinance. When the City Manager questioned whether the area would be included in the title for Lot 104, or under a separate deed, Mr. Gingerich said it was the intent for it to be a part of Lot 104. Council Member Rhodes offered a motion for the matter to be referred to the City Attorney for clarification of the lot status. The motion was seconded by Council Member Shank. Mr. Gingerich said his intention was for the area to be deeded with Lot 104, and not as a separate lot. Attorney Thumma noted that the 303 Square foot portion would go on record as a separate lot, in that a deed is already recorded for Lot 104, without the addition. The motion to refer the matter was then adopted by a unanimous vote of Council.

The following Planning Commission report from its meeting held on October 21st, was presented:

*"...Attorney Glenn Hodge explained to the Commission that Dr. Galen Craun, Jr. of 300 Fairway Drive, desires to purchase 13,398 square feet of Lot 5 in Section III of Fairway Hills. Only 3,360 square feet of land would be left, but it would provide street frontage and access to Dogwood Hill Farms, a sizeable open field which extends eastward beyond the city limits. The purpose*

of the resubdivision, is to allow Dr. Craun's home to have a larger yard area. Mr. Hodge said the lot line between Dr. Craun's Lot 4 and proposed Lot 5A will be vacated if the Commission requests it be done.

Mr. Heath moved for the Commission to recommend approval of the resubdivision of Lot 5 in Section III of Fairway Hills, providing the line between Lots 4 and 5A be vacated. Mr. Hartman seconded the motion and all members present voted in favor..."

Planning Director Sullivan called attention to an attached map, setting out the location of Lots 4 and 5A, and noted that the matter had been delayed on two other occasions. A letter was received from Mr. Hodge, and he had also explained the situation to the Commission, which would provide a larger setting for Dr. Craun. He added the fact that utility and drainage easements, presently located between the two lots, should remain. It was agreed that the matter be brought back to Council in two weeks, with request for vacation of the lot line.

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

"...Chairman Trobaugh read an October 20, 1987 letter from Copper & Smith, P.D., concerning an oversight on their part when Blue Stone Hills Subdivision, Section 1, was presented to the Commission in September. At that time, only three locations of road grade exceeding 10% were described by Mr. Copper, but four locations exist within Section 1. The letter asks the Commission to grant a variance for the fourth grade which exceeds 10%.

Mr. Hartman offered a motion for the Commission to recommend granting a fourth street grade variance in Section 1 of Blue Stone Hills Subdivision, thus amending the September 16, 1987 recommendation. Mr. Hughes seconded the motion and all members present voted in favor..."

Planning Director Sullivan pointed out the fact that the situation had been reviewed by the engineering force and city. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council, the recommendation of the City Planning Commission was approved.

City Manager Milam made reminder that correspondence from David and Helen Hanson, and George and Joyce Wead, requesting safety measures for the Sunset Heights area, had been referred to the Harrisonburg Transportation Safety Commission, and that the Hansons were present at this time to address the matter. Mrs. Hanson expressed appreciation for the city's response in some areas of concern, but noted that inasmuch as the Commission's report appeared to be negative to requests, consideration for 25 mph speed limit signs and stop signs, was requested, in view of some blind driveways on South Dogwood Drive. Increased police patrol and surveillance was also requested, due to a recent tragedy in the area. City Manager Milam reviewed the report as submitted by the Transportation Safety Commission, as follows:

1. Increase police patrol to catch traffic violators.  
(Police Chief endeavoring to increase patrol which has been hampered through injuries and sickness of police officers)
2. To create 4-way stop signs at South Dogwood Drive and South Avenue and also at Neyland Drive and Maryland Avenue.  
(agreed to stand on previous recommendation for no signs)
3. To move traffic light from West Market and Willow Streets to West Market and Dogwood Drive.  
(agreed to stand on previous recommendation which was to not move the light)
4. To install rumble strips on South Dogwood and South Chestnut Drives where they intersect Maryland Avenue.  
(motion for rumble strips to not be used on South Dogwood and South Chestnut)
5. Installation of speed limit signs on South Dogwood and other locations in the area, and signs with blinking lights, stating caution, children at play, or radar control, to be considered.  
(motion for no change in signs at this time, but that a broad stop line be painted on Chestnut Drive at Maryland Avenue)

Mr. Charles Campbell, 1181 South Dogwood Drive, noted a number of speed limit signs, but none on South Dogwood. He said he had hoped that the Transportation Safety Commission would have the expertise to help with the speed, and noted that he does have a blind driveway. He expressed a desire for a 25 mph speed limit sign to be considered, which may help, to some degree. Council Member Rhodes offered a motion for appropriate speed limit signs to be placed along South Dogwood Drive, and the motion was seconded by Vice-Mayor Dingleline. A suggestion was made for Chestnut Drive to be looked into, also, insofar as the need for signs. Another resident in the area noted difficulty in site distance for automobiles coming off Neyland Drive onto Dogwood Drive, and expressed the need for a stop sign at this location where there is yield only, at the present time. Council Member Rhodes then moved that his original motion include installation of stop signs on South Dogwood Drive at the intersections of Neyland Drive and South Avenue. This was seconded by Vice-Mayor Dingleline, and the entire motion approved by a unanimous vote of Council.

City Manager Milam informed Council that request had been received to postpone for two weeks, presentation of a petition from Portland East Subdivision residents concerning storm water and erosion control, listed as Item 10 on this evening's agenda.

Assistant City Manager Roger Baker gave an update report concerning improvements proposed for the Cantrell/Paul intersection, and noted an approximate four months for completion.

Council Member Robinson moved that a supplemental appropriation in amount of \$ 3,181.00 to appropriate monies received from the state for Litter Control, be approved for second & final reading, a first reading having been approved on October 13th, and that:

\$ 3,181.00 chgd.to: General Fund (1901.01) Recoveries & Rebates

3,181.00 approp.to: General Fund (4108-5414.01) Highway & Street Beautification-  
Litter Control

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 \$ 142,876.00, approved for first reading on October 13th for purchase of a Landfill Compactor, be approved for second & final reading, and that:

\$ 142,876.00 chgd.to: Sanitation Fund - Unappropriated Fund Balance

142,876.00 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.

✓ A request was received from Fire Chief Larry Shifflett for approval of a supplemental appropriation in amount of \$ 40,403.02. The request was discussed, with some concern expressed that \$7,500 of the total amount was earmarked for Employee Medical Examinations. Although it was noted in the request form that the medical examinations are required by OSHA for those handling hazardous materials, it was agreed that action be deferred, pending additional information by the Fire Chief.

✓ City Manager Milam presented a report from Building/Zoning Official John Byrd, for approval of a supplemental appropriation in amount of \$ 800.00, due to insufficient funds of the Board of Zoning Appeals as a result of extensive legal notices. Council Member Shank moved that the appropriation be approved, and that:

\$ 800.00 chgd.to: General Fund (1303.06) Zoning Appeals

800.00 approp.to: General Fund (8104-5413.01) Other Oper.Expenses

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

✓ City Auditor Peterman reported that the questionable account listed as delinquent and uncollectable on a list submitted by the Utility Billing Department, had been investigated, with determination that the business and franchise had changed hands. He suggested the possibility of a non-refundable deposit, in lieu of the present policy of refund in full, following a year's payment of bills on or before the past due date. The deposit required under the Utility Deposit Assistance Program (UDAP) is based on the same amount as a regular deposit. Mr. Peterman said he was checking into the furnishing of social security numbers for all consumers, to the Commonwealth, for participation in the set-off-debt collection, which would enable the state to withhold a delinquent and uncollectable amount from the individual's state tax return, for reimbursement to the city. The report was for information.

✓ Mayor Green called attention to correspondence he had received from Mr. William C. Wright of 510 Pear Street, concerning the cost quoted by Warner Cable Communications, Inc., for extension of cable service to serve his residence, under the Harrisonburg Franchise Extension Formula. It was agreed that the letter be referred to Attorney Holmes Harrison, with request for a written comment.

✓ Vice-Mayor Dingleline registered a second concern he had received from a resident of Belmont Estates re the narrow condition of West Market Street and vehicles parked on both sides of the street. Police Chief Presgrave made reminder that the street has been resurfaced which makes for better traffic movement, and pointed out the fact that street parking could not be removed because of no off-street parking on the south side. Future widening of the street is proposed.

Council Member Rhodes suggested that a look be taken with regard to meeting dates in the next couple months, in view of the upcoming National League of Cities' meeting and holiday season.

At 9:57 p.m., on motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote, Council entered an executive session to discuss personnel and property.

At 12:09 a.m., on motion adopted, the executive session was closed and the regular session reconvened.

✓ Council was reminded that the first term of Mr. Norlyn L.Senger, as a member of the Central Shenandoah Emergency Medical Services Board, had expired as of October 10th, and Mayor Green asked members' wishes concerning an appointment. On motion of Council Member Robinson, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council, Mr. Senger was reappointed to a second term of three (3) years, expiring on October 10, 1990.

✓ Reminder was made that the two year term of Vice-Mayor Dingleline, as a member of the Valley Program for Aging Services Advisory Board, had expired on October 1st, and the Mayor asked members' wishes concerning an appointment. Council Member Rhodes offered a motion for the Vice-Mayor to be reappointed to the Board for a term of two (2) years, expiring on October 1, 1989. The motion was seconded by Council Member Robinson and adopted by a majority vote of Council. Vice-Mayor Dingleline, abstaining.

✓ Council was reminded that Dr. Joseph E. Gardner and Mr. E.Warren Denton, Jr., had been serving on the Rockingham Development Corporation Board, and appointed annually, with current terms having expired on October 23rd. Mayor Green asked members' wishes concerning appointments. Council Member Rhodes offered a motion for Dr.Gardner and Mr. Denton to be reappointed to the Board for terms of one year each, expiring on October 23, 1988. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

There being no further business, and on motion duly adopted, the meeting was adjourned at 12:15 a.m.

Tuesday, November 10, 1987

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, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Following roll call, Mayor Green asked all to stand for a moment of silence, in tribute to the memory of Victor J. Smith, Commissioner of Revenue, on his passing November 8th.

Minutes of the regular meeting held on October 27th, 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 October, 1987.

From the City Treasurer:

A Trial Balance report for month of October, 1987.

From the Police Department:

A Report of cash collected from street parking meters, \$ 8,769.46; fines & costs, \$ 6,264.38; Total cash collected, paid on accounts and turned over to City Treasurer, \$ 15,033.84, for month of October, 1987.

From the City Auditor:

A Financial Report for month of October, 1987.

A report of cash discounts saved in payment of vendor's invoices for month of October, 1987, totaling \$ 273.83.

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, 1987.

City Manager Milam called attention to a report submitted by the Harrisonburg Electoral Board, signed by its officials, setting out the following votes cast in the November 3rd General Election:

Member of the Senate (26th District)

Kevin G. Miller, 3,353; William C. "Bill" Chase, 1,738; Rich Degernet, 1

Member of the House of Delegates (27th District)

Phoebe M. Orebaugh, 2,390; Paul C. Cline, 2,919

Question: State-Operated Lottery

yes, 2,261; no, 2,762

Commonwealth's Attorney

Bruce C. Morris, 3,912; Richard Claybrook, Jr., 2; Eliza Hoover, 1

Sheriff

Glenn M. Weatherholtz, 4,277; Thomas Buskirk, 1; Bill Davies, 1; Phil Garrett, 1

The report was presented for information and recordation in Council Minutes.

Mr. John Driver, former Assistant City Manager, spoke to the issue of stop signs which were placed recently on South Dogwood Drive at two intersections, noting that he lives in that general area. He offered an opinion that placing the signs, was a big mistake, and mentioned that stop signs have not been put on Mason Street, or secondary streets in that area. He asked that the City Manager be instructed to have the previous signs replaced, with authorization for employing someone from the Virginia Department of Transportation to make a study of the area, with the city then abiding by their decision. Mr. Driver made reminder that the purpose is to move traffic, all over the city, and said that if every request is honored for signs, there will be a real dilemma. Mr. Dave Hanson, 1118 South Dogwood Drive, said he had come to Council this evening to express pleasure in the way the signs had been changed, in that he felt they were adequately placed in order to slow traffic. Inasmuch as he lives one house from the corner of Dogwood and South Avenue, Mr. Hanson said he watches the intersection, where two accidents have occurred. Another accident several weeks ago, may, or may not have been reported. He noted that a second meeting of the Neighborhood Association will be held on November 23rd at the Community Center, concerning the neighborhood watch and traffic pattern. When Council Member Rhodes asked if other areas would be involved, Mr. Hanson replied in the affirmative, noting that other areas had been represented by individuals at the first affirmative, noting that other areas had been represented by individuals at the first meeting. City Manager Milam pointed out that several weeks would be necessary, in order to adjust to the stop signs, which give the secondary streets the right-of-way. Council Member Rhodes made reminder that the signs were not recommended by the Harrisonburg Transportation Safety Commission, but rather, by action of the Council. Mr. A.W. Mackenzie of 365 West Avenue, speaking on behalf of the Hillandale Area Association, expressed concern about the change in traffic patterns in the area, on which he could receive no direct answers. He said the Street Department had explained that the one yield sign was changed, due to its faded condition. He suggested that a committee be appointed to deal with concerns and questions of citizens, in that more neighborhood groups are being formed, that will request answers to many problems and situations. Mayor Green clarified why the stop signs were placed, noting that a faded yield sign did not enter into Council's decision. Council Member Shank suggested that concerns of citizens and/or neighborhood groups, be directed to a member of City Council, which would then be brought to Council's attention. Following the lengthy discussion, Mayor Green suggested leaving the situation, as is, for a couple of weeks, to allow time for some recommendations for the overall community, insofar as traffic signs, etc.

Council was reminded of the Planning Commission report which had been presented at the regular meeting on October 27th, recommending resubdivision of the Donald Horne lot at 1012 Waterman Drive, in order that a portion (303 square feet) may be purchased by Mr. Ray Gingerich in order to increase his street frontage for his home. Although the portion has been maintained over the years by Mr. Gingerich and is used as yard area, question was raised as to whether the additional area (public alley) would be deeded as a separate lot or as a part of Lot 104 owned by Mr. Gingerich. Action was deferred, pending information by the City Attorney, from a legal standpoint. City Attorney Thumma reported that he had contacted the attorney who had prepared the deed, with a restrictive covenant whereby the 303 square foot portion will be conveyed as a part of Lot 104. Council Member Robinson then offered a motion for the resubdivision of the Donald Horne Lot at 1012 Waterman Drive, to be approved, as recommended by the City Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council.

City Manager Milam reminded Council that a report from the City Planning Commission had been presented on October 27th, recommending approval of the resubdivision of Lot 5 in Section III of Fairway Hills Subdivision, providing the line between Lots 4 and 5A be vacated. Action was deferred at that time, pending receipt of the vacation request. City Attorney Thumma reported that he had contacted the surveyor, with the understanding that they were going to present a request for vacation

of the lot line, which request had not been received, to date. It was agreed that the matter be carried over to the next regular meeting of Council, to be acted upon at that time, providing the request has been received.

Ms. Eleanor Price was present in the meeting to register complaints, on behalf of residents of the north block of Crawford Avenue, concerning encroachment of JMU students on private properties. She cited the primary problem, aside from littering, as the parking of vehicles in the special permit parking area, making it impossible for residents to use their own parking spaces. The parking is considered legal, so long as a yellow sticker is displayed. She noted that in contacting JMU, request was made for the residents to report license numbers, in order that letters may be sent. Ms. Price asked that the signs be changed to note "Residents Only" with a \$25 fine imposed on those who park out of their own permit area. Another request was for "No Parking" signs to be placed. Mayor Green said the City has "tried hard" to take care of both traffic and parking during JMU events, with use of the Medical Arts Parking Lot, granted. Chief of Police Presgrave gave background information re special permit parking, and offered an opinion that it has been one of the more effective types of parking, under a difficult situation. Following discussion, it was agreed that the Crawford Avenue concerns be passed along to the City Planning Commission, to be included in its study of the possibility of color coding for the various areas under permit parking.

Mr. David Leatherwood, Superintendent, Upper Valley Regional Park Authority, was present in the meeting to elaborate on the report entitled "Annual Highlights 1987". He expressed appreciation for Council's continued support.

Mr. John Driver, a representative of Harrisonburg on the Regional Sewer Authority, was present in the meeting, along with Mr. Bob Gordon, representative, and Mr. Curtis Poe, Executive Director. Mr. Driver reported that the construction program is on schedule, and that the Consent Order will be made by July, 1988. The 1986-87 budget carried a surplus of \$ 40,000, with this year's budget 2% below that of last year. The average flow for the month of September was approximately 10 million gallons per day, which is over the 8 million maximum capacity. The flow exceeded 18 million gallons on several days during that month. Inasmuch as the plant is approximately ten years old and equipment is beginning to go bad, Authority representatives feel that rather than trying to set up a budget and foresee needs of the future, it would be better to set up an Escrow Account, with 5% of the total budget earmarked for the account, providing a surplus is realized. Should the account not keep up to 5% of the budget, each political subdivision would be asked to contribute 1.25% of the annual budget, with Harrisonburg's contribution in amount of \$ 10,500 for period October - June, or \$ 1200 per month, in order to keep the account funded. Mr. Driver informed Council that the O & M Reserve Account which contains \$ 180,000 is a major problem, in that the funds may be used only for dire emergencies, and the present amount would keep the plant in operation no longer than two months. He said the representatives did not want to vote on the issue, until some guidance would be obtained from the participating governing bodies. Mr. Poe noted that the plant will reach its capacity in year 1991, and that he does not know whether the State Water Control Board will grant an increase in capacity of 12 million gallons per day, which would get rid of waste. It will be a year before determination is received concerning decision of the Board, and in the meantime, there will be another three years at a maximum of 8 million gallons. When Council Member Rhodes asked if the City was "locked in" at 75% of operating costs, Mr. Poe noted that contributions are based on the percentage of flow and that the city is not locked in. Due to the large volume of waste for Harrisonburg, very little variation in portion of cost, will occur. He reported 99.7% of the flow as metered, with three-tenths of a percent not metered. City Manager Milam offered an opinion that it may be better to set up the Reserve Account, as suggested by the Authority. Following discussion, Council Member Robinson offered a motion for the Harrisonburg City Council to go on record as endorsing establishment of an Escrow Account for the Harrisonburg-Rockingham Regional Sewer Authority. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

Correspondence was presented from Mr. Douglas T. Stark, tendering his resignation as a member of the Alcohol Safety Action Program (ASAP) Commission, effective December 31, 1987. Mr. Stark noted that he is unable to contribute the time and thought which his position as chairman of the Commission requires. Vice-Mayor Dingleline offered a motion for the resignation to be accepted, with regrets, and for a letter of appreciation to be forwarded to Mr. Stark. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Council was reminded that action had been deferred concerning a supplemental appropriation in total amount of \$ 40,403.02, requested by the Fire Chief, pending additional information re amount appropriated for medical examinations. Fire Chief Shifflett reported that extensive medical examinations are a requirement of The Occupational and Health Administration (OSHA), annually, in order to determine that individuals are physically capable of performing duties involving the handling of hazardous materials. He noted that the amount earmarked for medical exams, was based on cost estimates from two local doctors, with tests, etc. required, far surpassing a regular physical. Council Member Robinson moved that the supplemental appropriation be approved for a first reading, and that:

\$ 21,384.35 chgd.to: General Fund- Unapprop. Fund Balance (Grant)  
 10,903.67 chgd.to: General Fund (1901.01) Recoveries & Rebates  
 415.00 chgd.to: General Fund (1502.01) Rental of Gen.Property  
 200.00 chgd.to: General Fund (1401.01) Ins. Recoveries & Rebates  
 7,500.00 chgd.to: General Fund - Unapprop. Fund Balance  
 21,384.35 approp.to: General Fund (3201-7006.00) Fire Programs Fund  
 9,000.00 approp.to: General Fund (3201-7001.03) Equipment  
 2,518.67 approp.to: General Fund (3201-3004.03) Maint. & Rep. Auto Equip.  
 7,500.00 approp.to: General Fund (3201-3001.01) Employee Med. Exams

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

Mayor Green offered an opinion that a better price quotation may be obtained for the medical examinations.

Fire Chief Shifflett informed Council that the Virginia Hazardous Materials Emergency Program, as enacted by House Bill 1172, during the 1987 General Assembly, directs each political subdivision to appoint a Hazardous Materials Coordinator. The individual so appointed, would coordinate the overall hazardous materials emergency response programs within the jurisdiction, to include plans, training and response equipment needs. He noted that appointment of a Coordinator would place the City of Harrisonburg in full compliance with its requirements, under the Program. Council Member

Shank offered a motion for Fire Chief Larry Shifflett to be appointed Hazardous Materials Coordinator. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Mayor Green asked members' wishes concerning regular meeting dates in December, due to the National League of Cities' meeting, and Christmas, both of which will be in December. Vice-Mayor Dingleline offered a motion for the second regular meeting (Dec. 22) to be cancelled, with a special meeting called for December 29th, if necessary. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

✓ Council was reminded that a request had been received from Virginia Power for a study to be initiated concerning whether it would be advantageous for Virginia Power to purchase Harrisonburg's electric system, and that recommendation had been sought through the Harrisonburg Electric Commission. City Manager Milam presented correspondence dated 11/4/87 from Mr. Earl Budd, Chairman of HEC, which stated, "The Commissioners of the Harrisonburg Electric Commission have reviewed and discussed in detail their proposal to consider the initiation of a study to determine whether it would be advantageous to us to have Virginia Power purchase our electric system. After careful consideration, it is the unanimous recommendation of the Commissioners of the Harrisonburg Electric Commission that we not initiate such study. We do not believe that this would be in the best interest of the City of Harrisonburg and its citizens." A motion was offered by Vice-Mayor Dingleline for Council to endorse and support the recommendation of HEC, with a letter to be forwarded to Virginia Power, by the Clerk, setting out Council's position. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ City Manager Milam extended invitations from the American Legion, for members to attend various Veterans Day activities on November 11th.

At 9:45 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 legal matters.

At 11:45 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened, and 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. Dingleline, Jr.; Council Members Elon W. Rhodes, Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: Council Member Thomas H. Robinson, II.

Minutes of the regular meeting held on November 10th, approved as read.

✓ Correspondence was presented from Mr. Jack Booth, Co-Chairman of the Rotary Club of Harrisonburg, Inc., requesting permission to display a banner announcing the Club's 42nd Annual Antique Show and Sale on June 3, 4, 5, 1988 at the JMU Convocation Center. It was noted that the site for the banner is the corner of Newman Avenue and Main Street, and that the Club would be responsible for the erection and removal, as directed by the Harrisonburg Electric Commission. On motion of Vice-Mayor Dingleline, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, the request was approved.

Mrs. Eleanor Price of 1310 Crawford Avenue, was present in the meeting as follow-up to a request presented in writing, as follows:

(1) Signs- changed to RESIDENT ONLY and stating the \$25 fine for violators.

(2) EAST- side, painted YELLOW and NO PARKING signs put up.

On motion of Vice-Mayor Dingleline, seconded by Council Member Shank, and a unanimous vote of Council Members present, the requests were referred to the City Planning Commission for consideration in its study of color coding for the various special permit parking areas in the City.

✓ Mrs. Helen Hanson of 1118 South Dogwood Drive, representing the Southwest Neighborhood Ass'n., presented a petition bearing 157 signatures, with only one signer in disagreement to the placing of stop signs on Dogwood at Neyland Drive and South Avenue. The petition requested: (1) maintaining of a policy for reducing speed and leaving the stop signs at Maryland, Neyland and South Avenue; (2) that the cul-de-sac become permanent, with Dogwood not opening up or extended to Erickson Drive; (3) steps be taken to provide a western bypass to reduce traffic in the Sunset Heights area; (4) plan for roads leading to the new middle school. The following individuals, of the larger number of residents in attendance, commented as follows:

Mr. John Sellers, 745 Circle Drive, said traffic had slowed down because of the new signs, and that they were a big help when coming out of Circle Drive onto Neyland Drive, particularly on snowy days.

Mr. Gerald Taylor, 1110 South Dogwood Drive, noted that two families at the corner of Dogwood and South Avenue, do not agree with the stop signs, but do agree with the speed signs. He offered an opinion that the signs reduce police patrol in the area, which is more preferable. Inasmuch as the silent majority may not be present in this meeting, Mr. Taylor suggested that the situation be investigated, in order that signs may be placed to the best interest of all.

Mr. Dave Hanson, 1118 South Dogwood Drive, pointed out that ten houses are close to the South Avenue intersection, with seven of the ten, signing the petition. He said the signs were working, in that they were slowing traffic, and added the fact that in a personal survey, only five out of five hundred vehicles had run the intersection. He urged that no decision be made for a change, unless opinions could be expressed.

Mr. Warren Dillenbeck, 1121 South Dogwood Drive, expressed appreciation for the stop signs and said he would be opposed to 4-way stop signs. He added that the previous yield sign at South Avenue, was hazardous, and that the situation is much safer with the right-of-way on Dogwood.

Mr. Lloyd Knicely who resides at the corner of Dogwood and Neyland, said that the signs are a help, and his estimate of vehicles stopping, would be 99%.

Mrs. Joyce Wead, 1048 South Dogwood Drive, thanked Council for its response to the request for stop signs, and said that people were learning to use them.

Ms. Shirley Merlin, 1184 South Dogwood Drive, said the street was much safer for walkers, and was resulting in slower traffic with placement of the signs.

Planning Director Sullivan called attention to a map in the hallway of the Municipal Building, which sets out a proposed route by Garbers Church for a western bypass. He noted no new subdivision requests leading into the new middle school site, which is the usual way to get new roads. Improvements to Garbers Church Road, however, are in the long range plan. Following the lengthy discussion, Vice-Mayor Dingedine offered a motion for the City Planning Commission to initiate a study re a western bypass in the City, providing access to the new middle school and transporting of students to the school. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council Members present.

Mr. Don Thompson, a representative of S.B. Hoover & Company, Certified Public Accountants, was present in the meeting to present an overview of the Comprehensive Annual Financial Report of the City of Harrisonburg, for year ended June 30, 1987. He reviewed various recommendations and answered questions raised in Council. Mayor Green expressed appreciation for the review, and noted that there may be further questions, after the report has been reviewed in detail.

The following Planning Commission report from its meeting of November 18th, was presented:

*"...Following the Public Hearing concerning proposed rezoning of the 34 single family homes in Units 2 and 5 of Reherd Acres, Mr. Hughes moved and Mrs. Shapiro seconded his motion for the Commission to recommend rezoning Units 2 and 5 of Reherd Acres from R-4 Planned Unit Residential to R-1 Single Family Residential. All members voted in favor..." (During the hearing, four home owners spoke in favor, adding that they were not aware they were zoned R-4. A petition signed by all 34 property owners had been submitted to the Planning Office in October. It unanimously supported R-1 zoning).*

Planning Director Sullivan pointed out the location on a map, and noted that Rolling Hills, Spotswood Acres and the eastern portion of Reherd Acres, have been zoned R-1 since the 1950s. When City Attorney Thumma asked if the rezoning would change the R-4 development, Mr. Sullivan said he felt safe in applying 10 units per acre, or less, and added the fact that the barn which is presently located there, could be used for 10% commercial. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, a public hearing on the issue was scheduled for Tuesday, January 26, 1987, 7:30 p.m. The City Manager was instructed to properly publicize the Hearing.

Council received the following report from a November 18th meeting of the City Planning Commission:

*"...Following the Public Hearing on Mr. John Adams' request to rezone 5.8 acres of vacant land on Franklin Street extended from R-2 Residential to B-2 General Business. Mr. Adams agreed to reduce his request by dropping Lots 18 and 28 which border residential properties. He added that construction of professional office buildings would depend on the market and progress by the City in solving storm drainage problems on nearby Hawkins and Norwood Streets. When asked if he would consider 'conditional' B-2 zoning, he said no.*

*Noting that another Public Hearing will have to be scheduled by City Council, Mr. Rhodes moved for the Commission to recommend rezoning of Lots 12 through 17 and Lots 20 through 27 only, from R-2 Residential to B-2 General Business. Mr. Hartman seconded the motion, and all members present voted in favor..." (During the hearing, 4 nearby property owners expressed concerns about this rezoning case, regarding type of development that may occur, storm water problems, traffic safety and aesthetics.)*

Planning Director Sullivan pointed out the area on a map, noting that professional offices are planned. He noted the fact that the requirement for parking lot landscaping plats, storm water runoff, etc. would have to be complied with. Mr. Adams does not intend to begin any project, until facilities are improved on Norwood Street. Council Member Rhodes, a member of the City Planning Commission, said it was likely that Mr. Adams would come back in a year, to request B-2 Conditional Zoning for the two lots which he had agreed to eliminate in the present request, due to the fact that they border residential areas. Ms. Agnes Weaver offered an opinion that the drainage problem should be solved, prior to any additional development, and commented that the name "Franklin Street Extended", should be changed. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, a public hearing was scheduled for Tuesday, January 26, 1988, 7:30 p.m. Mayor Green asked the City Manager to obtain some input and recommendations from the City's Administration, by the next meeting, or prior to the public hearing in January. During discussion, question was raised as to whether or not the zoning classification could be changed at the public hearing, from that publicized, possibly to Conditional Zoning, in that Mr. Adams may not have fully understood the situation, as explained. City Attorney Thumma said he felt more comfortable in publicizing conditions, prior to a hearing, but that he would look into the matter. Mr. Sullivan informed Council that when General Business zoning was requested, he had told Mr. Adams that a Plan would be needed, in that the only document presented at the Commission's Hearing, was a sketch setting out professional office buildings, which was not too convincing to the audience. When asked if R-3 zoning would be more suitable, Mr. Sullivan replied "that would be gerrymandering the map." Mayor Green asked City Attorney Thumma and Planning Director Sullivan to talk with Mr. Adams re the appropriate type of zoning for his lots.

Council received the following Planning Commission report from its meeting held on November 18th:

*"...Attorney T.J. Wilson reported to the Commissioners that Valley Blox, Inc. plans to purchase 2.48 acres of vacant land from Rocco Realty, Inc. The tract is immediately east of Valley Blox and 420' north of Stone Spring Road. It is zoned M-1 Industrial. Attorney Thomas H. Miller, Jr. was present on behalf of Rocco Realty, Inc. The Commissioners reviewed a plat drawn by surveyor David Ingram.*

*Mr. Milan moved and Mr. Hartman seconded his motion recommending approval of the 2.48 acre tract, to be sold by Rocco Realty, Inc. to Valley Blox, Inc. All members voted in favor..."*

Planning Director Sullivan called attention to the attached letter from Attorney Miller, explaining the proposed transaction, and also a map setting out location of the acreage. He noted that the land is in a landlocked situation, off street and back in a field. When Vice-Mayor Dingleline questioned why a transaction such as this had to be brought to Council, Mr. Sullivan pointed out the fact that it has always been the policy and procedure, and City Attorney Thurma noted that the Subdivision Control Ordinance makes such provision. Vice-Mayor Dingleline 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 Members present.

The following Planning Commission report from its November 18th meeting, was presented:

"...The Commissioners reviewed a plat of the Lillye K. Monger lot at 264 Old South High Street, drawn by surveyor Hal Benner. The Mongers want to divide the property, leaving 11,591 square feet for the residence and placing 8,333 square feet in a lot which has R.S. Monger & Sons buildings on it. Mr. Sullivan added that a rezoning request will likely come in from Monger & Sons to change the 8,333 square foot portion from R-2 to M-1.

Mr. Hartman moved and Mr. Rhodes seconded his motion to recommend approval of the Lillye K. Monger resubdivision. All members voted in favor.."

Planning Director Sullivan noted ample off-street parking, and no problem with the Commission's recommendation for approval. On motion of Council Member Shank, seconded by Vice-Mayor Dingleline, 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 November 18th meeting:

"...Mr. Jack Depoy told the Commissioners that four townhouses on Meadowlark Drive were built slightly off the property lines which were originally approved in 1976. A plat by surveyor Hal Benner was reviewed.

Mr. Hartman moved and Mr. Hughes seconded his motion recommending approval of this resubdivision and vacating the existing plat. All members voted in favor..."

Planning Director Sullivan called attention to the attached sketch, setting out revision of Lots 6, 7, 8 and 9. When City Attorney Thurma asked if any document for vacating the existing plat, had been received, Mr. Sullivan replied "not to my knowledge." It was agreed that action be deferred, pending receipt of the document.

The following report from the Planning Commission meeting held on November 18th, was presented:

"...The Commissioners reviewed a plat by Surveyor Robert Jellum, illustrating a 1.453 acre parcel of land to be conveyed to Michael Landis by the current owners, Daniel and Naomi Myers. The 30' x 1,020' strip of land is a private lane off the west side of Garbers Church Road, leading to a home located in the county. No public improvements or utilities are involved.

Mr. Hartman moved and Mr. Hughes seconded the motion to recommend approval. All members voted in favor..."

Planning Director Sullivan called attention to the attached plat, and noted that the transaction does not involve any city owned land, or utility lines. It would involve the drawing of a line on the City Block Map. Council Member Shank offered an observation that it could be problematical, down the road, insofar as proposed development. Following a brief discussion and on motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline and a unanimous vote of Council Members present, the recommendation of the City Planning Commission was approved.

Action was deferred, once again, concerning resubdivision of Lot 5 in Section III of Fairway Hills Subdivision, in that City Attorney Thurma reported that a request for vacating the lot line between Lots 4 and 5A, still had not been received.

Assistant City Manager Roger Baker called attention to an Intersection Improvement Study for the East Market (Route 33)/Cantrell Avenue intersection, conducted by the Virginia Department of Transportation. He noted the following two recommendations set out therein: (1) a right turn lane off eastbound Market Street onto Cantrell Avenue, and (2) a double left turn lane from westbound Market Street onto Cantrell Avenue. Mr. Baker pointed out the fact that the bridge over the CW railroad would compound the problem, in that it would have to be widened, which would involve more extensive planning and construction of the double left turn lane. He recommended that the City request the VDOT to establish the project. City Manager Milam presented the following proposed resolution for Council's consideration of approval:

WHEREAS, it is necessary for a formal request to be made to the Department of 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 24th day of November, 1987, that:

1. The Department of Transportation of The Commonwealth of Virginia be, and it is hereby requested to establish and set up a project within the City of Harrisonburg, Virginia, to improve the intersection of East Market Street (Rt. 33) and Cantrell Avenue as recommended in the Department of Transportation study of the intersection.
2. That the City hereby agrees to pay its share for the cost of engineering and construction under the present cost formula adopted by the Department of Transportation.
3. The City further agrees that if the said project is established as herein requested, and thereafter, the said City decides not to proceed further with the said project, then the City, by this resolution, agrees to repay the Department of Transportation for 100 percent of the cost incurred for the said project to the time of abandonment.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1987

*Walter F. Green*  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

On motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council Members present, the resolution was approved, with authorization for the proper officials to sign the same.

City Manager Milam presented correspondence from City Treasurer Beverly Miller, requesting authority to advertise as unpaid, delinquent real estate for years 1985 and 1986, as required under Section 4-1-29 of the City Code. On motion of Council Member Shank, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council Members present, the City Treasurer was so authorized and directed.

Council Member Rhodes moved that a supplemental appropriation in amount of \$ 40,403.02, requested by the Fire Chief, representing State Equipment Grant; Equipment donation by local businesses for Hazardous Materials, and OSHA required Hazardous Materials Examinations, be approved for second and final reading, a first reading having been approved on November 10th, and that:

\$ 21,384.35 chgd.to: General Fund- Unapprop. Fund Balance (Grant)  
 10,903.67 chgd.to: General Fund (1901.01) Recoveries & Rebates  
 415.00 chgd.to: General Fund (1502.01) Rental of General Property  
 200.00 chgd.to: General Fund (1401.01) Ins. Recoveries & Rebates  
 7,500.00 chgd.to: General Fund - Unapprop. Fund Balance  
 21,384.35 approp.to: General Fund (3201-7006.00) Fire Programs Fund  
 9,000.00 approp.to: General Fund (3201-7001.03) Equipment  
 2,518.67 approp.to: General Fund (3201-3004.03) Maint. & Repair Auto Equip.  
 7,500.00 approp.to: General Fund (3201-3001.01) Employee Med. Exams

The motion was seconded by Council Member Shank, and adopted by a unanimous recorded vote of Council Members present. Mayor Green said he had talked with the Fire Chief, and noted the possibility of scaling down the amount earmarked for medical exams.

A request was received from Parks & Recreation Director Gilkerson, for approval of a supplemental appropriation in amount of \$ 548.88 in order to transfer the amount of Recoveries & Rebates to the proper account, for repair of vehicle, necessary from involvement in an accident. Vice-Mayor Dingleline moved that the appropriation be approved, and that:

\$ 548.88 chgd.to: General Fund (1901.01) Recoveries & Rebates  
 548.88 approp.to: General Fund (7101-3004.03) Maint. & Repairs- Auto Equip.

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

City Manager Milam addressed the possibility of the city selling three lots in Ashby Heights Subdivision, and asked Council's guidance. He noted that the lots, acquired by the City, were a part of the original subdivision, and that a water tank, situate on Lot 5, was deeded to the City, by the County, under a requirement of the Annexation Court for utilities to be conveyed. Manager Milam said that the lots could be sold either through sealed bids, or public auction. An observation was made that removal of the water tank, may improve the price of Lot 5. Following discussion, the matter was left to the City Manager's discretion.

Council was reminded that correspondence from Mr. William C. Wright of 510 Pear Street, concerning the cost quoted him by Warner Communications, Inc. for extension of cable service to serve his residence, under the Harrisonburg Franchise Extension Formula, had been referred to Attorney Holmes Harrison, with request for a written comment. City Manager Milam informed Council that Attorney Harrison had investigated the situation and stated agreement with the cable company, in view of the small number of residences to be served.

Vice-Mayor Dingleline registered a request he had received for a street light on University Boulevard, at the place where vehicles turn right, when travelling north, into the rear of Valley Mall. He said it was felt that a light would greatly improve visibility. City Manager Milam was asked to look into the situation.

There being no further business, and on motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council Members present, the meeting was adjourned at 10:00 p.m.

Tuesday, December 8, 1987

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, Charles L. Ahank; City Auditor Philip L. Peterman. Absent: Council Member Thomas H. Robinson, II and Chief of Police Richard W. Presgrave. (sitting in the Chief, Capt. Stroble).

Minutes of the regular meeting held on November 24th 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 November, 1987.

From the City Treasurer:

A Trial Balance report for the month of November, 1987.

From the Police Department:

A report of Fines & Costs, \$ 5,096.75; Cash collected from street parking meters, \$ 6,979.88; total cash collected, paid on accounts and turned over to City Treasurer for month of November, 1987, \$ 12,076.63.

From the City Auditor:

A financial report for the month of November, 1987.

A report of cash discounts saved in payment of vendor's invoices for month of November, 1987, \$ 588.95.

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, 1987.

City Manager Milam called attention to the Harrisonburg-Rockingham Community Services Board Report on Examination of Financial Statements for year ended June 30, 1987, prepared and submitted by Johnson and Dooley, Certified Public Accountants. He noted that a copy of the report would be on file in his office for review, if desired.

City Manager Milam presented correspondence dated 11/20/87 from The Reverend Dick Blackwell of Grace Covenant Church, requesting consideration of the following names for proposed streets, as follows: (1) Covenant Drive for the street coming off Route 11 and (2) Emmaus Road for the street in the county, perpendicular to Covenant Drive and in front of the church building. Mr. Blackwell noted the necessity of naming the streets at this time for address purposes, although the streets will not be accepted by the city and state, for the portions within the county, until the I-81/Rt. 11 intersection improvements are completed. He added the fact that the proposed names had been discussed with personnel from the city and county. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, the request was referred to the City Planning Commission for review and recommendation.

City Manager Milam called attention to correspondence dated 12/4/87 from Governor Baliles, to Mayor Green, informing him that the Commonwealth would offer the City of Harrisonburg a Community Development Block Grant in the amount of \$ 479,687. It was noted that based on Harrisonburg's application, the project rated high enough during the second round of the 1987 Virginia Community Block Grant competition, for the Department of Housing and Community Development to begin grant negotiations. Assistant City Manager Roger Baker said the application for \$ 700,000 was the third to be submitted, with the two prior ones not meeting the criteria to rate high enough for a grant. The total Ridgeville Improvement Project is estimated to cost \$1.5 million, with approximately \$ 400,000 paid by the City. Although the grant of \$ 479,687 will not complete the project, it will be used toward running water and sewer lines in Reservoir Street extended, storm water drainage system and road improvements. The work should begin in late spring, with completion anticipated for 12 - 18 months, with a requirement of the state for completion of projects under grants within 24 months. Members of Council expressed pleasure in the amount of grant by the Commonwealth, and agreed that a letter of appreciation be forwarded to the Governor.

Council was reminded that a Planning Commission recommendation for approval of resubdivision of lots in Unit 3, Reherd Acres, had been deferred at the November 10th meeting, in that a document had not been received for vacation of the existing plat. City Attorney Thumma informed Council that he was in receipt of a document for vacation of Lots 6, 7, 8 and 9, which should take care of the situation for property owners. On motion of Vice-Mayor Dingleline, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, the recommendation of the Commission was approved.

Council was reminded that on two previous occasions, action had been deferred on a request for resubdivision of Lot 5, Fairway Hills Subdivision, pending receipt of a document for vacation of the lot line between Lots 4A and 5. A recommendation of the City Planning Commission, presented to Council at the October 27th meeting, was for approval of the resubdivision, providing the line be vacated. City Attorney Thumma reported that the Plan is currently being redrawn, providing for vacation of the lot line, and suggested that the resubdivision be approved, subject to receipt of the proper document. Council Member Rhodes offered a motion for the resubdivision of Lot 5 to be approved, subject to receipt of the revised Plan. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council Members present.

Assistant City Manager Baker reviewed the Intersection Improvement Study, Route 11 at I-81 and Route 11 at Pleasant Valley Road, prepared by the Virginia Department of Transportation. He pointed out the area on a map, and called attention to five recommendations set out in the Study. Mr. Baker said that although the city's allotment for state projects is tied up for the next 4½ years through plans which have been submitted, he would recommend requesting the state to include improvements to this intersection in its program, noting the possibility of it being added sooner than five years. He endorsed 4-laning U.S. 11 to the City's southern boundary, due to development which is occurring in that area. City Manager Milam presented the following proposed resolution for Council's consideration of approval:

*WHEREAS, it is necessary for a formal request to be made to the Department of 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, that:*

*1. The Department of Transportation of the Commonwealth of Virginia, be, and it hereby is, requested to establish and set up a project within the City of Harrisonburg, Virginia, to:*

- a) Provide a separate left turn lane on the northbound approach of South Main Street (Route 11) and Pleasant Valley Road.*
- b) Adjust signal time/phase to accommodate the additional left turn lane.*
- c) Provide traffic signals at South Main Street (Route 11) and I-81 Interchange #62.*
- d) Adjust above intersection geometrics so that the existing offset street west of South Main Street can function as part of a standard four-legged intersection.*
- e) Widen Route 11 South to provide four through travel lanes, plus turn lanes, from Interchange #62 to the South Corporate Limits of Harrisonburg, approximately 0.8± miles.*

*2. That the City hereby agrees to pay its share of the cost for Engineering and Construction under the present cost formula adopted by the Department of Transportation.*

*3. The City further agrees that if the said project is established as herein requested, and thereafter, the said City decides not to proceed further with the said project, then the City, by this resolution, agrees to repay the Department of Transportation for 100 percent of the cost incurred for the said project to the time of*

abandonment.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council Members present, the resolution was approved.

✓ A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 24,600 due to overtime costs and insufficient funding for insurance. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 24,600 chgd.to: General Fund - Unappropriated Fund Balance

7,000 approp.to: General Fund (3101-1001.07) Overtime (Spec.Police)

17,600 approp.to: General Fund (3101-5305.01) Insurance (Liability)

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

✓ City Manager Milam brought to Council's attention, a problem of some subdivisions in the city not wanting certain things (i.e. street lights in Fairway Hills and Ashby Heights), while new purchasers desire more lighting. He said that new poles would have to be placed in the developments, which should have been done in the beginning.

✓ City Manager Milam informed Council that the boiler has gone out, in the Sipe House, and that he had asked Building Official Byrd to get some estimates.

✓ City Manager Milam called Council's attention to a new section included in his monthly progress report: a progress report submitted by Warner Cable Communications, Inc.

At 8:15 p.m., on motion of Council Member Shank, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council Members present, Council entered an executive session to discuss personnel.

At 8:35 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ Council was reminded that the first term of Mr. Eugene H. McEnerney as a member of the Harrisonburg Redevelopment & Housing Authority, had expired as of November 29th, and Mayor Green asked members' wishes concerning an appointment. Council Member Rhodes offered a motion for Mr. McEnerney to be reappointed to the Authority for a second term of four (4) years, expiring on November 29, 1991. The motion was seconded by Vice-Mayor Dingledine and adopted by a unanimous vote of Council Members present.

✓ In discussing appointments to various Boards and Commissions, it was noted that the first term of Mr. Earl F. Taylor, as a member of the Harrisonburg Parking Authority, had expired as of November 28th. Mayor Green asked members' wishes concerning an appointment. Vice-Mayor Dingledine moved that Mr. Taylor be reappointed to the Authority for a second term of five (5) years, expiring on November 28, 1992. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council members present.

There being no further business, and on motion duly adopted, the meeting was adjourned at 8:40 p.m.

\_\_\_\_\_  
CLERK

*Stacia B. Green*  
MAYOR