

Tuesday, January 12, 1988

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. Dingledine, Jr.

Minutes of the regular meeting held on December 8th 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, 1987.

From the City Treasurer:

A Trial Balance report for month of December, 1987.

From the Police Department:

A report of Fines & Costs, \$ 4,346.50; Cash collected from street parking meters, \$ 7,590.96; Total Cash collected, paid on accounts and turned over to City Treasurer, \$ 11,937.46, for month of December, 1987.

From the City Auditor:

A financial report for month of December, 1987.

A report of cash discounts saved in payment of vendor's invoices for month of December, 1987, in total amount of \$ 233.70.

From the Department of Utility Billing:

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

✓ Mr. Marvin Newman, 275 Hartman Drive, was present in the meeting in support of a petition bearing 71 signatures of citizens, requesting consideration of Council for the opening of West Wolfe Street, as a through street, from Dogwood Drive to Hartman Drive, in order to accommodate the traffic on Hartman Drive and Rockingham Drive, along with extensive church traffic to West Side Baptist Church. A second request was for the R-1 zoning to be retained. Mr. Newman noted extensive

building in this section of the city, with 120 - 130 apartments, and approximately 10 blocks that have to use the Hartman Drive/W.Gay intersection. He informed Council that Mr. Dan Stickley, Jr. had been approached concerning the request for opening the section of street, and was told that he would not support the petition, in that he had been opposed by property owners on two occasions when rezoning had been requested. Signers of the petition represent property owners, only, according to Mr. Newman, with renters (100 or more) not included. He said that approximately 150' of West Wolfe Street is a paper street, with about 50' bordering Stickley property. When request is made by the new owner for opening of Statton Street, still another bottle-neck will be created. He added further that the opening of West Wolfe would eliminate any need for a cul-de-sac. Mayor Green asked that the Engineering Department and Street Department make a survey, in order to see what may be done.

Mrs. Agnes Weaver, 247 Campbell Street, asked that the City's Zoning Ordinance be amended, by motion, to require the City Manager's signature, along with the Building Official, on site plans that were "grandfathered" when the Ordinance was amended as of September 8, 1987. This would mean that they had received approval for construction before the amendment, even though they may not conform. She referred to the Italian Restaurant on 33 east which was approved by the Building Official on September 30th, to build to the property line, with no 10' setback for commercial areas, as required under the amended ordinance. She stated further, that the 2-year grace period for "grandfathered" projects extended only to Stonefield Village and a development at Summit Heights. City Manager Milam made reminder that the Zoning Ordinance could not be amended this evening, on a single motion, as requested, in that it would require review, public hearings and two readings by City Council. He noted that a building permit was issued on September 28th and the Zoning Ordinance was passed on September 8th, which, technically, in his opinion, was wrong. The architect came in, during the month of August, and was given a zero setback, which changed under the new text. He said that anyone who may agree that the building does not conform, could appeal to the Board of Zoning. Mayor Green asked Council Member Rhodes to discuss the situation with the Planning Commission at its next meeting. Council Member Robinson suggested that criteria be set up on administration, to be sure things are done properly, which would include also, required green areas on commercial parking lots. Manager Milam volunteered to "pull out" all site plans since the ordinance was appvd. on September 8th, to determine if there may be more than one, not in compliance.

Mr. Wayne Craig of Mattern & Craig Engineering Firm, Roanoke, was present in the meeting to speak to the issue of drainage problems in the Norwood/Hawkins Street area. He is also studying a number of problems in the Seybert Creek Area which will affect the Reherd Acres/Country Club Road area. Although he has viewed the situation at Norwood/Hawkins only in a preliminary fashion, Mr. Craig said that several of the sink holes, which have served the drainage pattern for years, have been filled in, which places additional load on those remaining. He noted that since the sink hole is lower than the median ditch on Route 33 east, a pipeline would have to be installed, which would be quite expensive. He said it may be possible to place a pump in the median right-of-way, with maintenance of the station to be the city's responsibility. Another less expensive way, may be for the city to enter a joint lawsuit with some landowners, to have the burner, which is blocking the drainage, removed. Yet another alternative would be for the city to purchase the property and allow the sink hole to function as it has for years. Another consideration may be for construction of drain lines down Norwood, which would relieve water coming down Hawkins Street. Mr. Craig recommended that the city call the new developer's attention to the problem, in order that he may determine what he will have to do (i.e. take his drainage out to the gravity drain line). He offered an opinion that topographical mappings of the overall city would be most helpful in evaluating various situations. Manager Milam said that although the engineering firm is working on the area of Reherd Acres/Country Club Road, the information this evening was requested, prior to a rezoning matter which is scheduled for public hearing on January 26th.

Council received the following Planning Commission report from a meeting held on December 9th:

*"...Mr. J.R. Copper told the Commissioners that a 30,764 square foot lot landlocked parcel, located on the southeast corner of the Valley Mall, is to be sold to the owners of the mall, for future parking lot development. Mr. Bill Neff asked the Commission to grant a variance from the requirement of having street frontage. He agreed to restricting, through deed, that the section be approved providing it be used as parking area only, in connection with proposed Lot 6B in adjacent Skyline Subdivision.*

*Mr. Heath moved for the Commission to recommend approval of Deyerle Subdivision, Section 10, subject to deed restrictions that Section 10 be sold to the Valley Mall owners and that a variance be granted in that the parcel does not have public street frontage. Mr. Hartman seconded the motion and it passed unanimously..."*

Planning Director Sullivan pointed out the area on a map, noting no need for easements for water/sewer lines on the parcel. He reported a change in wording which he had made in the Commission's recommendation, adding that Section 10 would be purchased by the mall owners for future parking lot development. Inasmuch as Section 10 of the Deyerle Subdivision is so closely related to a second Planning Commission report for resubdivision of Lot 6, Skyline Subdivision, that report was presented as follows:

*"...Mr. J.R. Copper described a proposed resubdivision of Lot 6, Skyline Subdivision. The owners of Valley Mall plan to purchase a 3.25 acre landlocked area located between Valley Mall and Skyline Village Shopping Center. The 3.25 acres (proposed Lot 6B) are behind New York Carpet and will be developed as a parking lot for Valley Mall.*

*Mr. Heath moved for the Commission to recommend approval of the resubdivision of Lot 6, Skyline Subdivision, subject to deed restrictions of Lot 6B to be sold to the Valley Mall owners and that a variance be granted in that the parcel does not have public street frontage. Mr. Hartman seconded the motion and it passed unanimously..."*

Mr. Sullivan referred to a sketch, noting that Section 10 of the Deyerle Subdivision is side by side with Lot 6 of Skyline Subdivision, and that Valley Mall desires to purchase the two, for parking lot area. When Council Member Rhodes asked if a street would eventually connect Valley Mall and Skyline Village Subdivision, Mr. Neff replied in the affirmative, noting that a street is proposed to lead from the rear of New York Carpet World and connect the two shopping centers. He added the fact that Valley Mall desires to expand, from the Leggett Store, eastward, with distance unknown at the present

time. According to Mr. Neff, approval of the parcels was needed, due to the fact that when sold, the parcels would become a part of the overall mall area, which has adequate street frontage along East Market Street (Rt. 33). Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved, and the motion was seconded by Council Member Shank. When question was raised as to whether or not the recommendations of the Planning Commission should include the amendment reported by the Planning Director concerning restriction of use for parking, a contradiction arose between Mr. Copper and the Director, insofar as understanding the proposed use. Council Member Rhodes then withdrew his motion, due to the need for clarification of street frontage, use of parcels by the mall, etc. Mayor Green asked the City Attorney and Planning Commission to work together on the issues, and action on the two reports was deferred, pending additional information.

The following report from a December 8th meeting of the City Planning Commission, was presented:

*"...Mr. J.R. Copper explained to the Commissioners that Deyerle Subdivision, Section 5, has been slightly revised so that both lots on the south side of University Boulevard will be exactly one acre each. In the revision, both lots have been slightly widened.*

*Mr. Hartman moved and Mr. Baker seconded his motion for the Commission to recommend approval of Deyerle Subdivision, Section 5 Revised. The motion passed unanimously..."*

Following a review of the situation by Planning Director Sullivan, a motion was offered by Council Member Rhodes for Council to approve the recommendation of the Planning Commission. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

The following report from a December 9th meeting of the City Planning Commission, was presented:

*"...The Commissioners were oriented to the Master Plan of Blue Stone Hills Subdivision and proposed Section 2, where 19 single family lots were pointed out. Blue Stone Hills Drive will be extended 1,000 feet. Surveyor J.R. Copper presented a new page, showing 20' and 30' sanitary and storm sewer easements. Also, 10' utility easements will be provided on all side and rear lot lines as requested by the City. The storm and sanitary sewer easements extend north to proposed Evelyn Byrd Avenue near Skyline Village Shopping Center. Mrs. Shapiro asked if any holding ponds are part of the development. Developer Ernest James said they realize holding ponds will be required if runoff exceeds the 2-year storm. Assistant City Manager Baker reported that the construction plans for Section 1 have been returned to Copper & Smith for certain revisions. Mr. Copper said the revised plans will be submitted in a few days.*

*Mr. Heath concluded the discussion with a motion for the Commission to recommend approval of proposed Section 2, Blue Stone Hills Subdivision, subject to the construction plan revisions being submitted to City Staff prior to City Council's next meeting. Mr. Hughes seconded the motion and all members voted aye..."*

Assistant City Manager Baker informed Council that the construction plans, with requested revisions, had not been finally approved, in that they were passed from him to the Water/Sewer Superintendent, and are presently in his hands. From there, they will be reviewed by the City Engineer. Mayor Green said that "Council is being asked to approve something, before the revisions are known." Mr. Copper noted that complete plans had been submitted, which were reviewed, with some minor changes requested by the City. The plans, including revisions, were then re-submitted. He said it was his understanding that if approved by Council tonight, any minor changes would be made. Mr. Baker said that storm water management is the major problem, and that the sewer service is tied in with another project which is also presently under review. Council Member Rhodes, a member of the City Planning Commission, said it was felt by Commission members that all would be cleared up, prior to this meeting. Mr. Copper asked that the Planning Commission take all proposed development plans under technical review, with approval given, prior to sending reports to City Council. Following discussion, it was agreed that action concerning Section 2 of Blue Stone Hills Subdivision be deferred, pending final review of plans as revised.

Council received the following report from a Planning Commission meeting held on December 9th:

*"...In response to objections raised in November, Mr. Martin Mahon submitted a new resubdivision proposal of Lot 2 in the Lowenbach Addition. Mr. Mahon desires to establish a 2,608 square foot lot on South High Street, leaving 6,265 square feet of lot area for his 4-unit apartment house at 225 West Market Street. The smaller lot has a single family dwelling and the apartment house will continue to have a parking lot with four parking spaces. Both structures have been on Lot 2 for many years and in 1968, the widening of High Street reduced the site. Major variances based on today's lot size requirements, would be involved. Mr. George Willi, a member of Otterbein United Methodist Church, noted that the planned widening of West Market Street will further reduce the size of Mr. Mahon's property.*

*Mr. Rhodes felt approval of major variances for residential use would be a mistake. He then moved that the Commission recommend denial of the resubdivision of Lot 2, Lowenbach Addition. Mrs. Shapiro seconded the motion. All members voted for the motion except Mr. Hughes. He abstained..."*

Planning Director Sullivan reviewed the area, noting congestion in the area as well as parking problems on the church parking lots. Council Member Rhodes, a member of the City Planning Commission, pointed out that two substandard lots would be created with the resubdivision, as proposed, and added that the proposed widening of West Market Street, would further decrease the area. On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the recommendation of the Planning Commission for denial of the resubdivision, was approved.

The following Planning Commission report from a December 9th meeting, was presented:

*"...Mr. J.R. Copper described a request by the Driver Corporation to resubdivide Lot 2A in Miller Acres into two business parcels. The proposed Final Plat shows Lot 2B with 10,000 square feet on the south side of Miller Circle and Lot 2C with 21,968 square feet, also on the south side of Miller Circle. Domino Pizza store is located on proposed Lot 2B. Mark's Bike Shop is located*

on Lot 2D. Mr. Mark Nisseley plans to purchase Lot 2C, therefore the resubdivision is necessary.

Mr. Hughes moved for the Commission to recommend approval of the Final Plat for resubdivision of Lot 2A, Miller Acres Subdivision. Mrs. Shapiro seconded the motion which passed unanimously...."

Planning Director Sullivan called attention to the attached plat, and noted no variances or easements involved. 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 Member Robinson moved that a supplemental appropriation in amount of \$ 24,600, requested by the Police Chief due to overtime costs and insufficient funding for insurance, be approved for second & final reading, a first reading having been approved on December 8th, 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) Ins. (liability)

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

The following proposed Resolution was presented, 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 to update the City of Harrisonburg 1995 Thoroughfare Plan dated 1980.  
(This request is necessary because an additional 11 square miles were annexed in 1983, and commercial and industrial development is occurring, other than anticipated in the 1980 plan).
2. The City hereby agrees to pay its share, under the present cost formula adopted by the Department of Transportation.
3. The City further agrees that if 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 BY THE HARRISONBURG CITY COUNCIL this \_\_\_\_ day of \_\_\_\_, 1988.  
\_\_\_\_ Mayor

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, with authorization for the proper officials to sign same.

City Manager Milam presented and read the following proposed Resolution for 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, Virginia, 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 improve the intersection of East Market Street (Route 33) and Vine Street, as recommended in the Virginia Department of Transportation's study of the intersection.
2. 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 said project is established as herein requested, and thereafter, the 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 BY THE HARRISONBURG CITY COUNCIL this \_\_\_\_ day of \_\_\_\_, 1988.  
\_\_\_\_ Mayor

Atteste:

Clerk

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

On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the following resolution was approved and signed by the proper officials:

WHEREAS, Blue Ridge Community College, as well as the other twenty-two community colleges in the System make available a wide range of programs and services to every citizen in Virginia at minimal cost; and

WHEREAS, in 1966, the Virginia State Legislature created the Department of and State Board for the establishment and maintenance of a statewide system of comprehensive community colleges; and

WHEREAS, Blue Ridge and the other community colleges have provided hundreds and thousands of Virginians with the skills needed for good jobs, college



transfer courses, counseling services, and a variety of cultural services, serving more than 250,000 citizens each year; and

WHEREAS, Blue Ridge Community College has served the region since 1965, providing accessible, low-cost, postsecondary educational opportunities to the citizens of Harrisonburg,

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council does hereby designate January 24-30, 1988, as Virginia Community College Week.

ADOPTED and APPROVED this 12th day of January, 1988.

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

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

WHEREAS, The Commonwealth of Virginia, Department of Housing and Community Development has issued a notice of funding availability and has requested proposals under the VIRGINIA SHELTER GRANTS PROGRAM - II; and

WHEREAS, assistance is needed to adequately address the shelter needs of homeless persons in the City of Harrisonburg; and

WHEREAS, an application for a grant under this program has been prepared; and

WHEREAS, Marvin B. Milam, City Manager, can act on behalf of the City of Harrisonburg and will sign all necessary documents required to complete the grant transaction; and

WHEREAS, a one-for-one local match of grant funds, as required under the program, will be provided in the amount of \$ 14,245.00,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Harrisonburg hereby authorizes Marvin B. Milam, City Manager, to apply for and accept the grant in the amount of \$ 14,245.00 and enter into a Grant Agreement with the Department of Housing and Community Development and perform any and all responsibilities in relation to such Agreement.

BE IT FURTHER RESOLVED that the City of Harrisonburg agrees to provide a sub-grant to First Step, Inc. to operate the funded project and agrees to monitor and oversee their activities as prescribed by the State.

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

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

Ms. Sue Ann Myers of First Step, spoke in support of the resolution, noting that the facility would match the money through funds donated for use only in capital improvements. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the resolution was approved, with authorization for the proper officials to sign same.

✓ Correspondence was presented from AAA of Virginia (an affiliate of the American Automobile Association), advising that the organization is trying to get the General Assembly to pass legislation enacting a covered truck law, whereby trucks would be forced to cover loads before going onto any public roadways. Materials listed were: dirt, sand; gravel; rocks; garbage, with agricultural products exempted. The matter was discussed briefly, with observation that the proposal does not distinguish between commercial vehicles and pickup trucks. It was agreed that letters be forwarded to local representatives in order to get both sides of the issue, which was supported through a motion by Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council Members present. Representatives would be asked to look into the matter, in order to determine merits of the proposed law, insofar as protection of highways and truckers.

✓ City Manager Milam informed Council that he and Assistant City Manager Baker had attended a meeting yesterday, in Richmond, with representatives of the Department of Housing & Community Development, re a Grant for the Ridgeville Improvement Project. The need for some paper work will be required. Mr. Baker said he would be attending the 26th Grant Management Workshop and noted that the city is moving in the direction for a Grant, with a very favorable meeting in Richmond. Manager Milam pointed out that the installation of water and sewer lines and roadway completion for Ridge Road and extension of Reservoir Street, will cost in the neighborhood of \$1.2 million, and that the state and federal governments would require the city to give various assurances insofar as running of water and sewer lines, installation of some bathrooms, painting some houses, etc., which, in his opinion, are all good requirements. The reports were for information.

✓ City Manager Milam informed Council that Mr. Paul Shelton, owner of property fronting on Old Furnace Road, desires to cut-off the back end of his lot and sell off the front, retaining the back portion. Inasmuch as there is no access to the rear, the county will not give its approval for resubdivision until access is available. A request was made by Mr. Shelton for the city to grant him an easement on city owned land, after which time the City Attorney was asked to draw up a document satisfactory to Mr. Shelton, which would merely give him ingress and egress to his property. City Attorney Thumma presented the prepared document (deed) and noted that the city had purchased the 20' x 16' easement. Mr. Shelton has agreed to pay the necessary cost for maintenance. Manager Milam said his thought was, to give the easement at no cost, in that it has no value to the city. Mr. Shelton will have access to the lot, that he otherwise, could not use. Whether or not the county will approve the resubdivision is not known. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council Members present, the deed was approved, with authorization for the Mayor and Clerk to sign the same.

✓ As a matter of concern, Council Member Robinson called attention to an unsightly bank, with large boulders, at the intersection of Country Club and Keezletown Roads.

✓ Council Member Rhodes, a member of the Harrisonburg Transportation Safety Commission, called attention to the intersection of South Avenue and South Main Street, from the standpoint of traffic and safety. He offered a motion for the matter to be referred to the Commission for study and recommendation. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council Members present.

Council Member Rhodes expressed concern about debris along roadway to the City's Landfill.

At 9:32 p.m., on motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council Members present, Council entered an executive session to discuss personnel and legal matters.

At 10:00 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ Mayor Green presented correspondence from Mr. Percy M. Johnson, tendering his resignation as a member of the Harrisonburg Redevelopment & Housing Authority for the past 7½ years, primarily for health reasons. Council Member Rhodes offered a motion for the resignation to be accepted, with regrets, and letter of appreciation to be sent to Mr. Johnson. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

✓ Mayor Green reminded members that the first terms of Mr. Robert G. Dinsmore, Jr. and Mrs. Darla F. LePera, as members of the Harrisonburg Parks & Recreation Commission, had expired as of December 31, 1987, and asked their wishes concerning appointments. Council Member Shank offered a motion for Mr. Dinsmore and Mrs. LePera to be reappointed to second terms of four (4) years each, expiring on December 31, 1991. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council Members present.

✓ Council was reminded that the first term of Mrs. Sally A. Shapiro as a member of the City Planning Commission, had expired as of December 31, 1987, and the Mayor asked members' wishes concerning an appointment. Council Member Robinson offered a motion for Mrs. Shapiro to be reappointed to the Commission for a second term of four (4) years, expiring on December 31, 1991. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council Members present.

✓ Inasmuch as the first terms of Mr. J. Wayne Alley and Mr. John A. Sowers, as members of the Harrisonburg Electric Commission had expired as of December 31, 1987, the Mayor asked members' wishes concerning appointments. Council Member Rhodes offered a motion for Mr. Alley and Mr. Sowers to be reappointed to the Commission for second terms of three (3) years each, expiring on December 31, 1990. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

✓ Mayor Green asked members' wishes concerning appointment of a member to the Harrisonburg/Rockingham Regional Sewer Authority, to replace Mr. Roy Erickson, deceased. Council Member Rhodes offered a motion for Assistant City Manager Roger D. Baker to fill the vacancy on the Authority, which motion, upon being seconded by Council Member Robinson, was adopted by a unanimous vote of Council Members present.

✓ Council was reminded that due to the passing of Mr. Roy Erickson, a vacancy had been created on the Shenandoah Valley Airport Commission for the remainder of a three year term which expires January 28, 1989. Mayor Green asked members' wishes. Council Member Shank offered a motion for Mr. Joe Bowman of 1155 Rockingham Drive, Harrisonburg, to be appointed to the Commission for the remainder of the unexpired term. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

✓ Inasmuch as Dr. Joh McIntire's second term on the Community Services Board had expired as of July 1, 1987, Mayor Green asked members' wishes concerning an appointment. Council Member Rhodes offered a motion for City Auditor Philip L. Peterman to be appointed to the Board for a first term of three (3) years, effective as of July 1, 1987 and expiring July 1, 1990. The motion was seconded by Council Member Robinson, 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 10:10 p.m.

CLERK

MAYOR

*Walter F. Green*  
MAYOR

Tuesday, January 26, 1988.

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

Minutes of the regular meeting held on January 12th were approved as read.

✓ Correspondence dated 1/11/88 was presented from Lowell W. and Pauline G. Miller, giving notice to the City of Harrisonburg, in compliance with Section 6-1-4 of the Harrisonburg City Code, that a strip of land serving as entrance to their parking lot at 234 East Market Street, is not to be open for public use. City Manager Milam reminded Council that the code section provides for notice to be given, each 5 years, by an owner of an alleyway in the city, if it is to remain private. Otherwise, the said alley may be opened for use by the public. A motion was duly adopted for the Notice to be accepted, with instructions for same to be spread upon minutes of this meeting.

✓ At 7:55 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 on January 7th and January 21st:

*The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 26, 1988, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, to consider the following rezoning request:*

*To rezone from R-2 Residential to B-2 General Business,  
Lots 12-18 and 20-28, Blocks J & K, Page 28 of City Block*

Map. These vacant lots are located on Franklin Street extended. Requestor is John Q. Adams. Purpose: To develop professional offices.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Attention was called to the following Planning Commission report, presented to Council on November 24, 1987:

"...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 location of the vacant lots west of East Market Street and along Franklin Street extended, calling attention to surrounding areas of General Business, neighborhood and a portion containing townhouses. Mayor Green called on anyone present, desiring to be heard, either for or against the rezoning request. Mr. John Adams, Requestor, noted that the lots are across from the Greyhound Bus Terminal, and that B-2 zoning is desired. He presented sketches of the proposed buildings, three on each side of Franklin Street extended, and noted provision for 90 parking spaces for each building. He noted a drainage problem in the area, and said there has to be some way of getting rid of the water. He expressed a willingness to wait, with his project, until a method is determined by the engineers. Mr. Rusty Bowman, owner of professional offices, addressed the drainage problem, and offered an opinion that the matter needs to be left on the table, in that 6 - 7 acres constitute a large watershed. Mr. Owen Shifflett, 231 Vine Street, said Mr. Adams had indicated he would have the type of office buildings as set out, and described this evening, but expressed a concern that the city is contemplating rezoning to B-2, but not specifically for office buildings. He said that if the City could assure, by conditions, that only office buildings will be constructed, there would be no problem. Otherwise, assurance would not be given that in the future, construction of a gas station, used car lot, or some other similar business may materialize on the lots. This assurance is needed by the property owners, in the event that Mr. Adams may change his mind, at a later date. Mrs. Avra Leigh, representing Shannon Hills Office Complex, expressed concerns about what may be constructed on the lots, additional drainage problems through greater density, insufficient parking, notice not being received about the proposed rezoning, etc. Mr. Sullivan explained that her property did not quite touch the area in question, as being the reason for no notice, and added that a Notice appeared in the Daily News Record on two occasions. Mr. Owen Shifflett said he understood that adjacent property owners would receive letters. There being no others present, desiring to be heard, the Hearing was closed at 8:17 p.m. and the regular session reconvened.

✓ Mayor Green asked Mr. Adams why he was opposed to Conditional Zoning, and was told that since the request is for offices only, he did not want to go through another process. The Mayor then noted no way the Council could do much, before a report is received from the engineers concerning water drainage. City Attorney Thumma made reminder that prior to a public hearing for conditional zoning, conditions must be made known, and added the fact that Council has the right to table this request, insofar as the drainage problem which exists in the area. City Manager Milam pointed out that the applicant could bring in conditions for zoning, and a joint public hearing held by the Council and Planning Commission, which would require no additional advertising. The rezoning would be for the total tract of land, rather than exclusion of those lots which border on a residential area, with assurance of ample green space to prevent water runoff to the residential properties. On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the matter was tabled, pending receipt of the engineers' report.

✓ At 8:26 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 on January 7th and 21st:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 26, 1988, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 S. Main Street, to consider the following rezoning request:  
To rezone from R-4 Planned Unit Residential to R-1 Single Family Residential, Units II and V of Reherd Acres Subdivision.  
All 34 parcels are developed as single family homes. Request is by petition of all 34 property owners.

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

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

Attention was called to the following Planning Commission report, presented to Council on November 18th:

"...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 location of the 34 lots on a Neighborhood Map, noting that

all were protected under covenants. Surrounding subdivisions (i.e. Spotswood Acres, Rolling Hills, Reherd Acres) are under the R-1 Single Family Residential zone at the present time, and rezoning of the 34 lots would make them more compatible with the surrounding territory. Mr. Sullivan pointed out that the existing barn, could be used as the 10% commercial which is permitted under the R-4 zone. When Mayor Green asked if there would be any repercussions from the rezoning, Mr. Sullivan replied in the negative. Mr. Rick Christoph of 970 Star Crest Drive, said the section in question was zoned R-1 when he built his present residence, and added that construction of high rise apartments, or something similar, was not expected. In his opinion, R-1 is the logical zoning, and supported by all the property owners. There being no others desiring to be heard, the public hearing was declared closed by the Mayor at 8:31 p.m., and the regular session reconvened.

✓ Mayor Green asked members' wishes concerning the rezoning of Lots 2 and 5, Reherd Acres from R-4 Planned Unit Residential, to R-1 Single Family Residential. Vice-Mayor Dingledine offered a motion for rezoning of the lots to be approved, as recommended by the Planning Commission. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Council received the following Planning Commission report from a January 20th meeting:

*"...Mrs. Nancy Sedwick explained her proposal to establish a parking lot on the vacant lot immediately north of the Sedwick professional offices at 1240 South Main Street. The 16 space parking lot will be screened by pine trees along the north and east borders and ingress-egress will be off South Main Street. Mrs. Sedwick agreed to place a sign on the lot, directing visitors to turn 'right only' onto Main Street. No one spoke against the rezoning.*

*Mr. Rhodes moved for the Commission to recommend rezoning of Lot 3, Block 0 on Page 18 from R-1 Single Family Residential to Conditional R-3 Multiple Dwelling District. Mr. Hughes seconded the motion and all members voted in favor..."*

City Manager Milam called attention to the map attached to the report, setting out location of the lot requested for rezoning, and noted the need for a public hearing to be scheduled. Council Member Rhodes offered a motion for a public hearing to be scheduled for Tuesday, February 23rd, 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 Notice in the Daily News Record.

✓ The following Planning Commission report from a January 20th meeting, was presented:

*"...The Commissioners reviewed an overall map of Greendale Subdivision. Mr. Sullivan reported that all construction and engineering documents are satisfactory to City Staff, and installation of streets and utilities is progressing smoothly. A total of 73 single family lots are involved in Sections 1, 2 & 3.*

*Mr. Heath moved for the Commission to recommend approval of the Final Plans of Sections 2 & 3, Greendale Subdivision. Mr. Hartman seconded the motion and all members voted in favor..."*

Planning Director Sullivan pointed out location of the Subdivision as in the southern part of the City, east of the railroad tracks and Walker Manufacturing. He noted that most roads are in place for Sections 2 and 3, and that all mechanical and engineering work had been thoroughly reviewed and approved by City Staff. A Letter of Credit is in hand. City Attorney Thumma informed Council that Lot 1, with no frontage, will be deeded with another lot and become a portion of same. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Council received the following report from a Planning Commission meeting held on January 20th:

*"...The Commissioners reviewed a Final Plat for proposed Sheehan Subdivision, Section 1, located at 1010 North Main Street. Park Crest Land Trust desires to resubdivide the former Pittsenbarger property in order to sell the house on a 92' x 174' lot. No one was present to speak on behalf of the current owners. Mr. Milam moved for the Commission to recommend approval of Sheehan Subdivision, Section 1. Mrs. Shapiro seconded the motion and all members voted in favor..."*

Planning Director Sullivan pointed out that the resubdivision would be the formation of one lot with an existing lot, and noted that the property cannot be conveyed until the resubdivision is approved. The existing house, however, has been offered for sale. He added the fact that the Planning Commission had no problem with the request. 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.

✓ The following Planning Commission report, from a January 20th meeting, was presented:

*"...The Commissioners reviewed a map of proposed Section 2, Rockingham Center Subdivision. A 3-acre parcel, on the north side of Carpenter Lane, is to be sold to the owners of Dayton Interiors, Inc. Attorney Bonnie Paul reported that she had reviewed the proposal with city officials and Mr. Milam noted that Carpenter Lane is a 30' wide road. He asked if the purchasers would give a strip of land to the City for street widening. Mr. William Florence said he would be happy to do so, and Copper & Smith are working on a site plan which will reflect necessary ingress-egress lanes on the frontage.*

*Mr. Hughes moved and Mrs. Shapiro seconded his motion for the Commission to recommend approval of Rockingham Center Subdivision, Section 2. All members voted in favor..."*

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 Planning Commission report from its January 20th meeting:

*"...The Commissioners reviewed a plat by Surveyor Hal Benner, showing a land exchange between Abdallah El-Attar of 1360 Mt. Clinton Pike and Village Square Property Owners' Association. It involves swapping slivers of land along the east boundary of Mr. El-Attar's home in Park Ciew. Mr. Hartman*



*moved and Mr. Hughes seconded his motion to recommend approval.  
All members voted in favor..."*

Planning Director Sullivan called attention to the plat attached to the report, and noted a possibility that the land exchange may be proposed, in order to correct some mistake in this townhouse development. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

Council was reminded by City Manager Milam that action concerning approval or disapproval of Section 2, Blue Stone Hills Subdivision, had been deferred on January 12th, pending final review of plans, as revised, by the City's Administration. Planning Director Sullivan pointed out the area on a map, consisting of a small group of lots, and noted that the Planning Commission had recommended approval of the section, subject to the construction plan revisions being submitted to Council, prior to its January 12th meeting. Mr. J.R. Copper, CLS, traced the route of the proposed sewer line, noting that it would be tied in with the Route 33 line, which constitutes a change. He pointed out the fact that Council had received a letter from Mr. Bill Neff, giving the City assurance that all would be done in accordance to plans submitted and approved by the City. Another letter from Mr. Ernest James, Executive Vice-President of Blue Stone Land Company, was also submitted, noting that in the event Neff Enterprises did not build the proposed sewer line, his company would build the line in the right-of-way to U.S. 33, after which time, upon acceptance by the City, the connection would be made. Mr. Copper said they were waiting for any other needed revisions, and added that the Developer is anxious for Council's approval, prior to the signing of any contracts, etc. Assistant City Manager Baker reported that he had received the plans in his office at approximately 4:45 p.m. today, following review by the Water/Sewer Superintendent and Engineering Department. He said he could see no major problems. Mr. Copper said that with this assurance, and letters which had been submitted, he could see no problems at this time. When the City Manager asked if Section 2 of the subdivision had easements for utilities, Mr. Copper replied in the affirmative, but added "not all the way back." He noted that rights-of-way were being processed, and that there were adequate easements for Section 2. Manager Milam asked City Attorney Thumma if the letters were sufficient, and Mr. Thumma replied that according to a city ordinance requirement, the City would have to have a Letter of Credit, or the utility lines be in the ground, which is not so, at the present time. Manager Milam asked if the Section could be approved, subject to the posting of a Bond or submitting a Letter of Credit, in order that the project may not be held up longer. Mr. Neff said he would be ordering pipe either Wednesday or Thursday of this week for the water and sewer lines. Mr. Thumma said approval could be given, subject to compliance with the City's Ordinance. Mr. Neff said that although he could not see the necessity, he would comply with the ordinance. Mr. Zane Showker urged approval, in order that the project may be continued. Following the lengthy discussion, Council Member Rhodes offered a motion for Section 2, Blue Stone Hills Subdivision, to be approved, subject to the posting of a Bond or Letter of Credit. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Reminder was made that action concerning approval of Deyerle Subdivision, Section 10, and resubdivision of Lot 6B, Skyline Subdivision, was deferred on January 12th, pending additional information concerning street frontage, use of parcels, etc. Planning Director Sullivan presented a map, setting out location of the Valley Mall, with orange lines setting out Section 10 as well as Lot 6B, with extension of Ring Road around the mall area. Following a brief discussion, with remarks by Mr. Bill Neff, Mayor Green asked members' wishes insofar as Section 10 of the Deyerle Subdivision. Council Member Rhodes offered a motion for approval of the Planning Commission's recommendation "to approve Deyerle Subdivision, Section 10, subject to deed restriction that Section 10 be sold to the Valley Mall owners and that a variance be granted, in that the parcel does not have public street frontage", with approval conditional upon conveyance of the parcel containing a provision that such parcel cannot be conveyed to a third party unless as a part of a larger parcel having sufficient frontage on a public street for access, or added to a parcel having sufficient frontage on a public street for access. The motion was seconded by Council Member Robinson and adopted by a unanimous vote of Council. Mayor Green then asked members' wishes concerning Lot 6B of Skyline Subdivision. Vice-Mayor Dingledine offered a motion for approval of the Planning Commission's recommendation "to approve resubdivision of Lot 6B, Skyline Subdivision, subject to deed restriction of Lot 6B to be sold to the Valley Mall owners and that a variance be granted in that the parcel does not have public frontage", with approval conditional upon conveyance of the parcel containing a provision that such parcel cannot be conveyed to a third party unless as a part of a larger parcel having sufficient frontage on a public street for access, or added to a parcel having sufficient frontage on a public street for access. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam presented a petition, received in November of 1987, and signed by 59 citizens of Ashby Heights, requesting installation of street lights in the subdivision. He noted that in conferring with the staff of Harrisonburg Electric Commission, and working with officials, it is felt that the street lighting program can commence during the winter months and be completed by next spring. Although the 1981 plan includes the lights and was approved by the Annexation Court, problems existed. A portion of the subdivision has underground wiring, and when the development was approved in the county, there were no arrangements for easements to the property lines, and the property owners were not willing to have poles placed in the subdivision. Westmoreland is the only street with poles, and Portland East Subdivision is not included under the program. Manager Milam noted further that the project will increase the city's budget by approximately \$100,000 and added that HEC will do the work in accordance with the court order. Council Member Rhodes offered a motion for Harrisonburg Electric Commission to proceed with the project for street lights in Ashby Heights. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam presented a petition, received in December 1987, signed by 44 residents of Fairway Hills Subdivision, requesting installation of street lights in the "new section". He made reminder that there was no court order covering Section 2 of the subdivision. The developer had requested that they not be required to have street lights, and this was granted. However, the developer was asked to provide easements on all sides of the lots, which was done, with easements now in the hands of the city. He suggested that a Plan may be worked out, but that the city would have to take out some of the landscaping for installation of conduits, and replace the landscaping, upon completion of the project. Mayor Green explained that property owners did not want poles and wires, but agreed to have some type of lights in individual yards or driveways. One property owner, present

in the meeting, spoke to the issue and noted the need for more lighting, especially for children. Manager Milam pointed out the fact that if approved, wooden poles and normal lights would be installed. He added that HEC will work in this subdivision, along with the other work, should Council so desire. It was agreed that some Plan be developed, for this section of Fairway Hills.

✓ City Manager Milam informed Council that a local businessman has offered the city \$ 15,000 - \$100,000 for the placing of appropriate signs at the corporate limits of Harrisonburg. He presented three logos (vertical and horizontal in shape), setting out a welcome to Harrisonburg, the Friendly City, through different wording, and asked if Council would like to appoint a committee of 2 to 3 individuals as a Sign Committee, prior to his working with the businessman. During the brief discussion, it was noted that the city has to get approval from the Virginia Department of Transportation for the type of sign, as well as the wording. No action concerning appointment of a committee, at this time.

✓ Correspondence dated 1/19/88 was presented from the Central Shenandoah Planning District Commission Secretary, advising the City Manager that Mr. Robert Sullivan's present term would expire as of June 30, 1988, and requesting that a nominee of the City's representatives be submitted to serve on the Executive Committee from June 30, 1988, in that Mr. Rhodes' term expires on that date. City Manager Milam called attention to the fact that both Mr. Rhodes and Mr. Sullivan had been appointed by the Harrisonburg City Council on March 25, 1986 for terms of three years, expiring June 30, 1989. It was agreed that the Commission be made aware of this, with referral to the excerpt which it had received, to this effect. Council Member Robinson then offered a motion for Mr. Elon Rhodes to be nominated to serve on the Executive Committee for two (2) years, effective June 30, 1988 and expiring June 30, 1990. The motion was seconded by Council Member Robinson, and adopted by a majority vote of Council Members. Council Member Rhodes, abstaining.

✓ City Manager Milam reported that a Screening Committee had been selected to review applications submitted for position of Zoning Administrator for the City of Harrisonburg, as provided under the City's Zoning Ordinance. He introduced Mr. Gary Cook, the committee's choice, for Council's confirmation of his appointment to serve in that capacity. Mr. Cook, 39 years of age, a native of New Market, VA, desires to locate in the Shenandoah Valley. His education includes Va. Tech, VPI, with 3 years spent in Germany. For the past 10 years, he has served as a Quality Control Engineer with a North Carolina firm. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, Mr. Cook's appointment was confirmed. Manager Milam commended Mr. John Byrd, Jr. on an outstanding job as Zoning Official, and noted that he had been appointed to that position in 1970, while serving as Vice-Chairman of the City Planning Commission. Due to increased activity in building permits in the City, Mr. Byrd will have more time to devote to his duties as Building Official. He pointed out the fact that Mr. Byrd desires to be relieved from serving on the Planning Commission, which request will be honored, when Mr. Cook begins attending the meetings.

✓ City Manager Milam requested Council's approval of a supplemental appropriation in amount of \$ 19,366, with funds to be used for setting up an office for the Zoning Administrator, for a period of six months. Council Member Robinson offered a motion for the appropriation to be approved for a first reading, and that:

\$ 19,366 chgd.to: General Fund - Unappropriated Fund Balance  
 11,449 approp.to: General Fund (8102-1001.01) Zoning Admin. Salary  
 5,977 approp.to: General Fund (8102-1001.04) Secretary Salary  
 600 approp.to: General Fund (8102-2005.01) Health & Accident Ins.  
 300 approp.to: General Fund (8102-3004.03) Maint. & Rep.Auto Equip.  
 500 approp.to: General Fund (8102-5200.01) Communications  
 200 approp.to: General Fund (8102-5400.01) Other Mat. & Supplies  
 300 approp.to: General Fund (8102-5500.01) Travel  
 40 approp.to: General Fund (8102-5801.01) Membership Dues

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

✓ A request was presented from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 64,280, in order to fund the hiring and equipping of five additional personnel for a six month period. It was noted that provision for the additional personnel was not made in the 1987-88 budget. Council Member Robinson moved that the appropriation be approved for a first reading, and that:

\$ 64,280 chgd.to: General Fund - Unappropriated Fund Balance  
 39,280 approp.to: General Fund (3101-1001.05) Patrolmen  
 2,226 approp.to: General Fund (3101-2005.01) Hosp. & Accident Ins.  
 14,000 approp.to: General Fund (3101-7003.00) Communication Equip.  
 2,000 approp.to: General Fund (3101-5500.02) Travel/Police Schools  
 6,774 approp.to: General Fund (3101-5400.01) Other Mat. & Supplies

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

✓ A request from Police Chief Presgrave for approval of a supplemental appropriation in amount of \$ 85,891.82, representing cost of seven vehicles not funded in the 1987-88 Budget, was presented. City Manager Milam stressed the need for the vehicles, and added the fact that they would reduce the mileage on present vehicles. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 85,891.82 chgd.to: General Fund - Unappropriated Fund Balance  
 85,891.82 approp.to: General Fund (3101-7005.00) Motor Vehicles & Equip.

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

✓ On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson, and a unanimous vote of Council, the following Resolution was approved:

*WHEREAS, the elderly population of Virginia continues to grow at a more rapid rate than the general population, with the very oldest end of the age spectrum growing the most rapidly of all; and*

*WHEREAS, a substantial proportion of the elderly are poor, frail and disabled in need of special services; and*

*WHEREAS, there is documented evidence of substantial unmet need in*

services to the aging in the areas of housing, transportation, day support, nutrition and other community based support services; and

WHEREAS, a network of 25 area agencies on aging has been established throughout the Commonwealth to administer a comprehensive, coordinated system of services to older Virginians; and

WHEREAS, the Code of Virginia (2.1-373.4) states, "The General Assembly declares that it is the policy of the Commonwealth to support the development of community-based resources to avoid inappropriate institutionalization of the impaired elderly,"

NOW, THEREFORE, BE IT RESOLVED that: The Harrisonburg City Council does hereby urge the Governor of Virginia to request in his budget and the Virginia General Assembly to appropriate the \$13.2 million requested by the Virginia Department for the Aging for FY 1988-90 to maintain a range of locally determined life sustaining services to frail and disadvantaged older Virginians.

ADOPTED and APPROVED this 26th day of January, 1988.

\_\_\_\_\_  
Mayor

Atteste:

\_\_\_\_\_  
Clerk

✓ For information, Police Chief Presgrave reported that Harrisonburg had received, for the third consecutive year, a Special Citation for Outstanding Pedestrian Program Activities among all cities with 25,000 to 50,000 population, reporting in the 1987 AAA Pedestrian Protection Program. He expressed appreciation for the cooperation of all concerned, which included the City Council, Street Department, and especially, the School Crossing Guards.

✓ For information, City Manager Milam called attention to correspondence dated 1/6/88 which he had received from Governor Baliles, offering congratulations on Harrisonburg/Rockingham County's designation as one of Virginia's Certified Communities for economic development. The Governor further recognized Mr. D'Earcy P. Davis, Jr., the Program Coordinator, for orchestrating the program on the local level. Manager Milam noted that Vice-Mayor Dingledine had accepted the Certificate on behalf of the City of Harrisonburg, which certificate will be displayed in the front hallway of the Municipal Building.

At 9:50 p.m., on motion of Council Member Rhodes, seconded by Council Member Robinson and a unanimous vote, Council entered an executive session to discuss personnel and property.

At 10:24 p.m., on motion duly adopted, the executive session was closed, and the regular session reconvened.

There being no further business, the meeting was adjourned.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
MAYOR

*Walter B. Jones, Jr.*  
MAYOR

Tuesday, February 9, 1988

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

Minutes of the regular meeting held on January 26th 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, 1988.

From the City Treasurer:

A trial balance report for month of January, 1988.

From the Police Department:

A report of Fines & Costs, \$ 3,809.20; Cash collected from street parking meters, \$ 7,390.93; Total cash collected, pd. on accounts and turned over to City Treasurer for month of January, 1988, \$ 11,200.13

From the City Auditor:

A report of cash discounts saved in the payment of vendor's invoices for month of January, 1988, in total amount of \$ 159.45.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for month of January, 1988.

✓ Nancy and Nelson Hess, owners of Hess Furniture on North Liberty Street, were present in the meeting to oppose removal of parking meters from the parking lot on the corner of Liberty & Elizabeth Streets, adjacent to their place of business. Mrs. Hess noted that the lot remains empty, with no spaces rented at the present time, yet tickets have been received for using the lot, not only by her family, but customers as well. She said that prior to removal of the meters, parking was permitted for 50¢ per day, which worked very well for businesses in the area, and their customers. Request was made for the meters to be replaced, with a portion available for all day parking, and others for a number of hours. Reminder was made that the recent bridge replacements on Liberty and Wolfe Streets, had blocked businesses for several months. Mr. Hess urged that 2-hour parking be made available in front of his business, and some 2-hour parking on the lot, with proper signs, in order to attract business downtown. Mayor Green said that hopefully, something will be worked out "fairly quickly."

The following report was presented and read, from a January 26th meeting of the Harrisonburg Transportation Safety Commission:

Chairman James Rhodes reviewed Holly Farms' request for a flashing caution light, pedestrian crosswalks, and the elimination of two parking spaces on North Liberty Street to improve traffic safety near the Holly Farms building. Jim Baker reported that the two parking spaces had already been eliminated. Following a discussion of the other requests, Councilman Rhodes motioned that the Commission recommend to Council that the Street Department paint appropriate crosswalks and that pedestrian crossing signs be erected in lieu of the flashing caution light. The motion was seconded by Julius Ritchie and adopted unanimously by the Commission.

Council Member Shank offered a motion for the recommendation of the Harrisonburg Transportation Safety Commission to be approved. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of Council Members present.

The following report from a January 26th meeting of the Harrisonburg Transportation Safety Commission, was presented and read:

*In regard to City Council's request of January 12, 1988 for the Commission to study the intersection of South Main Street and South Avenue, Jim Baker presented his department's traffic count of the intersection conducted on November 19, 1987. Mr. Baker also noted that the intersection met the majority of the state's criteria for the installation of a traffic signal. Citing the volume of traffic reported at the intersection, the poor site distance, and the fact that South Avenue served as a major arterial road between South Main and South High Streets, Chief Presgrave motioned that the Commission recommend to Council that a traffic signal be installed at the intersection. It was suggested that a copy of the traffic count report and of the state's criteria for traffic signals be forwarded to the Council, along with the Commission's recommendation. This suggestion was incorporated into the motion before it was seconded by Secretary Tamkin and approved by a unanimous vote of the Commission.*

Council Member Rhodes, a member of the Commission, noted that problems had existed at this intersection for quite some time. When the Vice-Mayor asked if the light could be coordinated with the one presently at Maryland Avenue, City Manager Milam said there was a possibility, but that it would be located between two intersections. He cited the main problem as making a left turn off South Avenue onto South Main Street. Following the brief discussion, Vice-Mayor Dingledine offered a motion for the recommendation of the Commission to be approved, with left turn provided, and synchronization of this light with the other two intersections. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council Members present.

Vice-Mayor Dingledine moved that a supplemental appropriation in amount of \$ 19,366, requested by the City Manager in order to set up an office for the City's Zoning Administrator for a period of six months, be approved for second & final reading, a first reading having been approved on January 26th, and that:

- \$ 19,366. chgd.to: General Fund- Unappropriated Fund Balance
- 11,449. approp.to: General Fund (8102-1001.01) Zoning Admin.Salary
- 5,977. approp.to: General Fund (8102-1001.04) Secretary's Salary
- 600. approp.to: General Fund (8102-2005.01) Health & Accid.Ins.
- 300. approp.to: General Fund (8102-3004.03) Maint. & Rep.Auto Equip.
- 500. approp.to: General Fund (8102-5200.01) Communications
- 200. approp.to: General Fund (8102-5400.01) Other Mat. & Supplies
- 300. approp.to: General Fund (8102-5500.01) Travel
- 40. approp.to: General Fund (8102-5801.01) Membership Dues

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

Council Member Rhodes moved that a supplemental appropriation in amount of \$ 64,280., requested by the Police Chief in order to fund the hiring and equipping of five additional personnel for a six month period, be approved for second & final reading, a first reading having been approved on January 26th, and that:

- \$ 64,280. chgd.to: General Fund - Unappropriated Fund Balance
- 39,280. approp.to: General Fund (3101-1001.05) Patrolmen
- 2,226. approp.to: General Fund (3101-2005.01) Hosp. & Accid.Ins.
- 14,000. approp.to: General Fund (3101-7003.00) Communication Equip.
- 2,000. approp.to: General Fund (3101-5500.02) Travel/Police Schools
- 6,774. approp.to: General Fund (3101-5400.01) Other Mat. & Supplies

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

Council Member Shank moved that a supplemental appropriation in amount of \$ 85,891.82, requested by the Police Chief and representing cost of seven vehicles not funded in the 1987-88 budget, be approved for second & final reading, a first reading having been approved on January 26th, and that:

- \$ 85,891.82 chgd.to: General Fund - Unappropriated Fund Balance
- 85,891.82 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 Members present.

Council was reminded that when representatives on the Upper Valley Regional Park Authority were reduced to two from each of the participating localities, and designated in a Resolution by City Council on January 14, 1986, Marvin B. Milam was appointed to fill an unexpired term to September 30, 1989, and Mr. Cecil F. Gilkerson appointed to fill an unexpired term to September 30, 1987. Inasmuch as an appointment was not made in 1987 when Mr. Gilkerson's term actually expired, Mayor Green asked members' wishes. Council Member Rhodes offered a motion for Mr. Gilkerson to be reappointed to a first full term of four (4) years, effective as of 9/30/87 and expiring on 9/30/91. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council Members present.



✓ For information, City Manager Milam presented correspondence dated 1/22/88 from Mr. Todd Christensen, Associate Director, Department of Housing & Community Development, advising Mayor Green that the Department was pleased to announce that it was able to offer the City of Harrisonburg a Community Improvement Grant of \$ 700,000 for the Ridgeville Improvement Project, during the next two years, rather than the \$ 479,687. previously reported.

At 8:10 p.m., on motion of Vice-Mayor Dingeldine, seconded by Council Member Shank and a unanimous vote of Council Members present, Council entered an executive session to discuss personnel.

At 9:35 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ Vice-Mayor Dingledine said that inasmuch as Mrs. Arlene Loker had served satisfactorily and effectively as Clerk to the Harrisonburg City Council for over 25 years, and had expressed her sincere desire to retire at the end of this month, he would offer a motion for Council to express appreciation for the dedicated service Mrs. Loker has rendered, and accept her request for retirement. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council Members present.

✓ Vice-Mayor Dingledine then offered a motion for Mrs. Judy M. Gray of 1039 Meadowlark Drive, Harrisonburg, to be appointed Clerk of the Harrisonburg City Council, effective March 1, 1988. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council Members present.

There being no further business, the meeting was adjourned.

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CLERK

*Stacy F. Green*  
MAYOR

Feb.

Tuesday, 23, 1988

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

Minutes of the regular meeting held on February 9th were approved as read.

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

✓ City Manager Milam presented correspondence from Mr. J. R. Copper, Jr., L.S. requesting consideration of the following areas for rezoning:

- Remainder of the Olin B. Landis property (Sheet 6, Block A Lot 3)
- Remainder of Landis Heating & Air Conditioning (Sheet 6, Block A, Lot 5)
- The Charles Funkhouser property (Sheet 7, Block, A, Lot 4)
- The Douglas V. Funkhouser property (Sheet 7, Block A, Lot 5)
- The Jan Scaglione property (Sheet 7, Block A, Lot 6)

Request was for rezoning of the areas from the present R-2 Residential, to B-2 General Business, which is contiguous with the present B-2 zoning for Landis. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingledine, and a unanimous vote of Council, the request was referred to the City Planning Commission for a public hearing and recommendation to Council.

Council received a petition signed by seven property owners of Westhampton Subdivision, Section One, located around the cul-de-sac on the west end of Laurel Street, requesting that their properties be rezoned from R-2 Residential District, to R-1 Single Family Residential District. It was noted that all the homes on Laurel Street are single family, with the cul-de-sac at the west end, as the only section not zoned R-1. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, the request was referred to the City Planning Commission for a public hearing 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, publicized in the Daily News Record on February 4th and 18th:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 23, 1988, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 S. Main Street, to consider the following rezoning request:

To rezone from R-1 Single Family Residential District to Conditional R-3 Multiple Dwelling District, LOT 3, Block 0 on Page 18 of City Block Map. This lot is located on the east side of South Main St., between Port Republic Road and Fairview Avenue. Requestor is Nancy A. Sedwick.

Conditional zoning proffer submitted by requestor:

1. The lot will be used only for parking for professional offices located on adjacent Lot 4.
2. A 10 foot strip along the entire northern boundary of Lot 3 will be planted and maintained as a pine tree screen.

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 which had been presented to Council on January 26th:

"...Mrs. Nancy Sedwick explained her proposal to establish a parking lot on the vacant lot immediately north of the Sedwick professional offices at 1240 S. Main Street. The 16 space parking lot will be screened by pine trees along the north and east borders and ingress-egress will be off South Main Street. Mrs. Sedwick agreed to place a sign on the lot, directing visitors to turn 'right only' onto Main Street. No one spoke against the rezoning.

Mr. Rhodes moved for the Commission to Recommend rezoning of Lot 3, Block One Page 18 from R-1 Single Family Residential to Conditional R-3 Multiple Dwelling District. Mr. Hughes seconded the motion and all members voted in favor..."

Planning Director Sullivan noted location of the lot as adjacent to the stone house at the corner of S. Main Street and Port Republic Road. The Mayor called on anyone present, desiring to be heard, either for or against the rezoning request. Mrs. Nancy Sedwick, Requestor, urged rezoning of the lot, for use as an asphalt parking area, with L-shaped screen from neighbors on Fairview, which is directly behind the area. A chain fence will be installed in order to prohibit a short cut, which will be in place, with exception of snow removal time. When Mrs. Agnes Weaver asked if the plan included green space between each eight parking spaces, Mrs. Sedwick noted two trees which are presently in place. There being no others desiring to be heard, the Hearing was closed at 8:00 p.m. and the regular session reconvened.

Mayor Green asked members' wishes concerning rezoning of the vacant lot on the east side of S. Main St., between Port Republic Road and Fairview Avenue, as requested by Mrs. Nancy A. Sedwick. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved, and the motion was seconded by Council Member Robinson. Mrs. Sedwick then handed Mayor Green the following supplement to her original request:

Supplementing my letter of October 20, 1987 and December 9, 1987, to you, requesting rezoning from R-1 to R-3 of Lot 3, Block 0, page 18 of the City Block Map, I would like to submit the following supplement to my proffer of conditions in addition to the regulations provided for the R-3 zoning district. This supplement is being submitted pursuant to Sec. 10-2-108 of the revised Harrisburg Zoning Ordinance (Sept. 1987):

3) A ten foot (10') strip along thirty two feet (32') of the eastern boundary of the lot to be planted and maintained as a pine tree screen.

I hereby proffer that the development of the subject property on this application shall be in strict accordance with the conditions set forth in this amended submission

Very truly yours, Nancy A. Sedwick

The motion for approval of the Planning Commission's recommendation for rezoning of the Sedwick Lot was then unanimously adopted, with inclusion of the supplement received this evening,

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

"...The Commissioners reviewed a plat by Surveyor David Ingram, showing a resubdivision of Mr. David Cooley's Lots 3 & 4 on Port Republic Road in Section 1 of Ashby Heights. Mr. Cooley desires to move the property line between the lots, in order to increase Lot 4 by 1,491 square feet. His home is on Lot 4. This will leave 13,820 square feet in Lot 3. The area is zoned R-1 and both lots are larger than required.

Mr. Rhodes concluded the review with a motion for the Commission to recommend approval of David Cooley's resubdivision of Lots 3 & 4 in Section 1, Ashby Heights. Mr. Hartman Seconded the motion and all members present voted aye..."

Planning Director Sullivan pointed out location of the two lots, situated in the front section of Ashby Heights, noting that Mr. Cooley wants to move the southern lot line to the northwest, in order to create the larger lot. He added that all setbacks would be met, on the vacant 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 Planning Commission report from its February 17th meeting:

"...The Commissioners reviewed two revised plats drawn by Surveyor Hal Benner, showing exchanges of small pieces of land between James H. Wheatley and Cecil F. Gilkerson, on the southwest side of Paul Street. A similar exchange had been approved by the City in May 1987, but some slight changes were made. The purpose is to correct certain back and side yard boundaries between the two residences. Mr. Rhodes moved and Mr. Hartman seconded his motion to recommend approval of this land conveyance. All members voted aye..."

Planning Director Sullivan called attention to the attached plat which had been redrawn, setting out changes, with requested approval of same, at this time. On motion of Council, the recommendation of the Planning Commission was approved.

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

"...The Commissioners studied a plat by Surveyor Hall Benner, showing the proposed resubdivision of two long narrow lots on North Liberty Street's west side. Mr. Garnet Reedy desires to establish a 10,736 square foot lot on the northwest corner of Liberty and 3rd Streets, which will include an existing dwelling at 671 N. Liberty St. Another lot of 11,004 square feet will be established on 3rd Street. The property is zoned R-2 Residential, thus a duplex dwelling would be permitted on this lot. The Director reported that Mrs. John Hawse of 140 Third Street, expressed concern about gravel and mud washing across the 15' alley into her yard. Mr. Reedy said he would make sure any future development will not add to this problem. The gravel and mud is coming from properties further north. Mr. Sullivan also reported that two other adjoining property owners had called and supported the resubdivision plan. Mr. Hartman concluded the discussion with a motion to recommend approval of the Garnet Reedy resubdivision of two lots on the northwest corner of N. Liberty St. and Third Street. Mrs. Shapiro seconded the motion and all members present voted aye..."

Planning Director Sullivan noted that the lot line would be moved around so as to establish square lots, and the existing house will remain, with a small backyard. The Third Street lot will be large enough for a duplex dwelling, which is permitted under the present R-2 Zoning Classification. He reiterated the fact that Mr. Reedy had promised to take precaution, insofar as the washing of mud and gravel onto other properties. Council Member Rhodes, a member of the City Planning Commission, said that all neighbors had been notified of the proposed resubdivision, with no problems encountered. He then 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

Council received the following Planning Commission Report from its February 17th meeting:

"...Following a Public Hearing concerning the 87 acre purchase of land from LLOYD & CARROL Emswiler, Mr. Heath moved that the Commission recommend changing the City's Land Use plan and Community Facilities Plan. Mrs. Shapiro seconded the motion and all members present voted aye..." (During the Public Hearing, City Manager Milam described the deed of purchase, dated December 29, 1987, and the Engineering Department's plat. He also noted that most of the 87.68 acres will be used for park development, and Mr. John Holsten, Superintendent of Sanitation, said only about 20 acres of the property will be used for Land Fill purposes. Mr. Mike Foster, 948 Greendale Road, asked what effect the plans will have on his residence. He agreed that park development would be great).

Planning Director Sullivan said that the Commission, by having a Public Hearing, is in a position to change the Plan and some of the statistics as far as use of land in the City. He added the fact that we are approaching 8% of the City's acreage of public ownership (areas for schools, fire stations, recreation, etc.) When question was raised by Council Member Robinson, City Manager Milam noted that the northern part of the acreage will be needed in the next 3-5 years for landfill space. He called attention to the attached survey and described the layout of the land, including two parcels with life estates. Following discussion, Council Member Shank offered a motion for the recommendation of the Planning Commission to change the Land Use and Community Facilities Plans, to be approved. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

A request was presented from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$58,136.53, representing various reimbursements, donations, etc. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$ 3,957.25 chgd. to: General Fund (2402.02) State Grant (One for Life Funds)  
 51,237.50 chgd. to: General Fund (1901.01) Reimb. Rock. Cty (Comm. Center)  
 1,304.53 chgd. to: General Fund (4101.01) Reimb. (insurance)  
 1,637.25 chgd. to: General Fund (4104.02) Donations  
 2,000.00 approp. to: General Fund (3201-5410.01) Uniforms & Wearing Appar.  
 3,000.00 approp. to: General Fund (3201-5200.01) Communication  
 3,000.00 approp. to: General Fund (3201-5400.01) Other Mat. & Supplies  
 50,136.53 approp. to: General Fund (3201-1001.06) Dispatchers

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

Council received a request from Assistant City Manager Roger Baker for approval of a supplemental appropriation in the amount of \$65,000, due to insufficient funds to cover unbudgeted traffic light installation at Cantrell Avenue and Paul Street. Following a brief review of information which accompanied the request, including a breakdown of the project, and estimated date for completion as April 15, 1988, Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$ 65,000.00 chgd. to: General Fund - Unapprop. Fund Balance  
 65,000.00 approp. to: General Fund (4107-7001.00) Traff. Eng. (Mach. & Equip.)

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

Council received a request from Street Superintendent James Baker for approval of supplemental appropriation in the amount of \$80,000 due to insufficient funds for snow & ice removal operations. The request included purchase of salt, repairs to equipment and to replace funds transferred from Street Inspection Budget. Vice-Mayor Dingledine moved that the appropriation be approved for a first reading, and that:

\$ 80,000 chgd. to: General Fund - Unapprop. Fund Balance  
 80,000 approp. to: General Fund (4202-5804.01) St. Cleaning - snow and ice

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

A request was presented from the Director of Social Services for approval of a supplemental appropriation in the amount of \$42,801.00, representing cost allocation estimate by David Griffith & Associates - Claim for reimbursement for Fiscal Year ending June 30, 1986, for direct services provided to Social Services - Claim honored for a percentage of the Federal Share of ADC, Medicaid, F.S.

✓ programs; and 75% of balance in VPA Title XX ending 9/30/87. Following explanation by the City Auditor of the necessary transations in order to receive reimbursement from Virginia Public Assistance, and return same to the City Treasurer, Council Member Shank moved that the appropriation be approved for a first reading and that:

\$ 42,801.00 chgd. to: Virginia Public Assistance Fund - EST. Revenue (1901.01) Recoveries &  
Rebates  
42,801.00 approp. to: Virginia Public Assistance Fund - Approp. (5301-5800.00) Other  
Reimb. Costs - Cost Alloc. 1986

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

At 8:20 p.m., Council Member Rhodes offered a motion for Council to meet in executive session for the purpose of discussing a legal matter with Harrisonburg Electric Commission and to discuss personnel matters with the Fire Chief and President of the Harrisonburg Resuce Squad. City Auditor Peterman requested brief discussion of a property matter, as well. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

At 11:05 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

There being no further business, the meeting was ajourned.

\_\_\_\_\_  
CLERK

*Walter B. Shank*  
MAYOR



Tuesday, March 8, 1988

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

Minutes of the regular meeting held on February 23, 1988, 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 February, 1988.

From the City Treasurer:

A trial balance report for the month of February, 1988.

From the Police Department:

A report of Fines & Costs collected - \$5,108.00; Cash collected from street parking meters - \$7,339.09; total cash collected during the month of February, 1988, paid on accounts and turned over to the City Treasurer, - \$12,447.09.

From the City Auditor:

A report of cash discounts saved in the payment of vendor's invoices for the month of February, 1988 in total amount of \$240.33.

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, 1988.

City Manager Milam read a petition signed by 100 qualified voters of the City of Harrisonburg requesting the City Council to consider placing one or more street lights on Central Avenue between Keister Elementary School and South Avenue. Sandy Bopp, of 69 Sharon Street, stated that last year there was a light erected on a pole across from Keister School which helped considerably, but in light of the congestion due to multi-housing dwelling units along South Avenue the area has gotten even more traffic. She further stated that in light of the fact of more students, parents, and pedestrians using this heavily trafficked area; that she along with all the citizens present this evening in support of this petition, feel that a light or lights should be installed along this 1/3 mile stretch from Keister School to South Avenue on Central. Mayor Green stated that this light had been requested last year. City Manager Milam noted that it had been referred to the Harrisonburg Electric Commission and the Street Superintendent; at the time of the request they reported back that there were no poles or wires from South Avenue to Keister School. Manager Milam further noted that electric service runs from Maryland Avenue in a southerly direction to pick up Keister School and then there are no utilities until you get to South Avenue. A citizen questioned that since there is a pole at Keister School why they couldn't extend the power from this pole. He went on to say that since the area is so dark that it deters persons from walking in the area or makes for a very uncomfortable walk. Mayor Green stated that City Council had not received any further reports on this matter, but did not see why they can't extend some lights in the area. He further stated that City Manager Milam will contact HEC on the matter.

Manager Milam called Council's attention to Warner Cable's Statement of Financial Position for the year ended December 31, 1987, and noted that the report is available in the Manager's office for inspection. Council Member Shank inquired as to when they are going to be connected up. Manager Milam stated that it was his understanding that the construction crews are in town now working in the area of Tower Street which is where their receiving station is located. He further added that they were a little slow in getting started due to the fact that they had problems in renting warehouse space to store equipment and they were not able to obtain the necessary easements up at Laird's Knobb. Mr. Milam noted that they do have all their materials now and two crews are working at Tower Street, working towards Park View and in a southerly direction toward James Madison University campus. The reason being is that they intend to discontinue using the receiving station on JMU campus and relocate the city's main receiving station to Tower Street. Manager Milam further noted that a team of five to six members will be in contact with the Chief of Police and will be canvassing the entire city talking with residents as to what types of services they desire. Council Member Robinson added that there are still a number of people with no cable service at all who are concerned that they will get stuck in the middle of the rebuild; noting that these persons have requested to be in the front end of the rebuilt. He added these person have gotten rather disgusted after having been promised service back in 1983 and five years later they still don't have any. Council Member Robinson added that Bill Wright, General Manager, has been very sincere in stating that he would get back to these persons as soon as possible with a time schedule and that the entire project is to be completed sometime in October.

At 7:52 p.m., Mayor Green closed the regular session and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as published in the Daily News Record three times; February 5th, February 23rd, and March 8th:

**The Harrisonburg City Council will hold a public hearing on Tuesday, March 8, 1988, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street.**

**There will be a public hearing March 8, 1988, 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 89.**

**All persons interested will have an opportunity to express their views at this Public Hearing  
CITY OF HARRISONBURG, Marvin B. Milam City Manager**

Transportation Director Reggie Smith noted that this was the annual application for Section 18 funding of the Federal Public Transportation Act of 1982, to aid in operating and administrative costs of the local transportation services for Fiscal Year 1988-89. He added that the application is basically the same as it has been in the past with no new services proposed, and with funding anticipated to be about the same as it has been in the past. Manager Milam called the Council Members' attention to several new sheets with figure corrections to the budget sheets, including the resolution as well as the A-95. Reggie noted that these figure changes were due to the State changing some formulas. Mayor Green called on anyone present who may desire to be heard. Council Member Robinson questioned under property description as to where the figures for population were derived, Reggie noted that these figures were obtained from Bobby Sullivan, Planning Director. Manager Milam further noted that the figures were probably originally obtained from Tayloe Murphy. Mayor Green questioned Reggie if he felt comfortable with the private sector involvement, and if we ever got into competitive bidding against private enterprise. Reggie noted that they had gotten out of charter work, and as a general rule, they do not engage in any private charter business. He added that they only get involved in this if the private enterprises has a problem and need their help. Mayor Green called on anyone else present who may desire to be heard, either for or against the application. There being none, the Hearing was declared closed at 8:05 p.m. and the regular session reconvened.

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

**BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia that the City Manager is authorized, for and on behalf of the City of Harrisonburg to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of federal public transportation assistance under Section 18 of the Urban Mass Transportation Act of 1964, as amended, in the amount of \$234,955.00 to assist in the capital, operating and administrative costs of 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 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 \$149,885.00 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 City Council of the City of Harrisonburg, Virginia certifies that the funds shall be used in accordance with the requirements of the UMTA Section 18 Program and the State Appropriations Act of 1982, that the City of Harrisonburg will provide matching funds in the rations 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 Audit of Public Accounts.

The undersigned duly qualified Clerk of Council of the City Council of the City of Harrisonburg, Virginia, certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the City Council of the City of Harrisonburg, Virginia, held on March 8, 1988.

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

*Stacy F. [Signature]*

Atteste:

\_\_\_\_\_  
Clerk

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

City Manager Milam presented a letter received from Continental Telephone Company stating that they will need to have an additional four weeks added to the E 9-1-1 Cutover Schedule, thus changing the cutover date from March 31, 1988, to May 2, 1988. City Manager Milam asked Chief Shifflett to please explain the reason for the extension. To give some background information, Chief Shifflett explained that on April 21, 1986, City Council authorized Continental Telephone to begin construction of the E 9-1-1 system. This authorization was made in conjunction with Rockingham County and the City of Harrisonburg. Numerous meetings have been held in developing this system to meet our needs. During these meeting the City was given the date of March 31, 1988, as the cutover date; however, during the most recent meeting, Contel requested an extension of 30 days for this cutover date. Chief Shifflett explained that the extension of 30 days is requested because the data base is not as error free as Contel would like for it to be due to the fact there are no street names or house numbers in Rockingham County making it extremely difficult to develop a data base. Chief Shifflett further explained that he certainly recommends the extension, and that Contel has assured him that this 30 day extension will allow them to properly complete the data base. Chief Shifflett also noted that even with the extension of 30 days, it still puts us within a couple of days of the two year time period that Contel had said they would have the E 9-1-1 completed. Chief Shifflett explained that the City Council and the Board of Supervisors will receive fact sheet a couple of weeks prior to the cutover date explaining the system in detail. Council Member Robinson questioned the public awareness of this cutover and suggested possible mailings, use of radio etc, or even an Awareness Week. Chief Shifflett explained that a great deal of time has been spent on this concern, and that a mailing will go out to all citizens the end of April along with a sticker for telephones. Council Member Shank offered a motion to make the new cutover date for the E 9-1-1 May 2, 1988. The motion was seconded by Council Member Robinson and approved by a unanimous vote of the Council.

Correspondence was presented from Ms. Jane Moss, Festival Coordinator, for the Virginia Poultry Federation, Inc., advising that plans are underway for the 18th annual Virginia Poultry Festival week to be held in Harrisonburg, May 13-22, 1988. Request was made for permission to erect a banner across Main Street during the first week of May to advertise the Festival Parade and Fun Day which will be held May 21, 1988, with second request to again be permitted to issue permits for vendors to sell concessions on parade day which is Saturday, May 21, 1988. On motion of Vice-Mayor Dingledine, seconded by Council Member Robinson,

and unanimous vote of Council, both requests of the Virginia Poultry Federation, Inc., were approved.

City Manager Milam called on Assistant City Manager Baker to explain the Section 3 Plan, Affirmative Action Plan and the Fair Housing Resolution. Assistant City Manager Baker explained that these three documents are required by the Federal Government in order to implement the Community Development Block Grant. Assistant City Manager Baker explained that the Section 3 Plan provides assurance that the City will make every effort to utilize businesses and lower income residents of the Section 3 Project Area in carrying out all activities of the Community Development Project. Assistant City Manager Baker further added that we had to add two categories to the present Affirmative Action Plan to satisfy the Federal Government's requirement that the words age and handicap be included in the document. After some discussion as to whether the words age and handicap be included throughout the document, Council Member Rhodes offered a motion to approve the Section 3 Plan, and approve the updated Affirmative Action plan. The motion was seconded by Council Member Shank and adopted by a majority vote of the Council.

Manager Milam read the following Fair Housing Resolution:

### Compliance with Title VIII of the Civil Rights Act of 1968

WHEREAS, The City of Harrisonburg has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, and

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing;

NOW THEREFORE, BE IT RESOLVED that the City of Harrisonburg agrees to take at least one action to affirmatively further fair housing each calendar year, during the life of its project funded with Community Development Block Grant Funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

ADOPTED and APPROVED by the Harrisonburg City Council this  
day of , 1988

Walter F. Green Mayor

**Clerk**

Vice-Mayor Dingledine offered a motion that the Fair Housing Resolution be approved. Council Member Robinson seconded the motion, and the motion was approved by a unanimous vote of the Council.

City Manager Milam explained that the City's current Personnel Handbook had been updated and is being presented to the Council for their consideration. Manger Milam noted that only two major changes have been made to the handbook; one concerning the present sick leave policy and the other pertaining to disciplinary action. Manger Milam reminded the Council that Section 3-5-1 of the City Code states that the personnel handbook can be amended at any time. There being no action taken at this time, Manager Milam noted that the Personnel Handbook will be presented again at a later date.

Vice-Mayor Dingledine moved that a supplemental appropriation in the amount of \$58,136.53, requested by the Fire Chief representing various reimbursements, donations etc., be approved for second and final reading, a first reading having been approved on February 23, 1988, and that:

\$ 3,957.25 chgd. to General Fund (2402.02) State Grant (One for  
for Life Funds)  
51,237.50 chgd. to General Fund (1901.01) Reimbursement Rock-  
ingham Co. (Communications Center)  
1,304.53 chgd. to General Fund (4101.01) Reimbursement (In-  
surance)  
1,637.25 chgd. to General Fund (4104.02) Donations  
2,000.00 approp. to General Fund (3201-5410.01) Uniforms &  
and wearing apparel  
3,000.00 approp. to General Fund (3201-5200.01) Communications  
3,000.00 approp. to General Fund (3201-5400.01) Other  
Materials and supplies  
50,136.53 approp. to General Fun (3201-1001.06) Dispatchers

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 the amount of \$65,000.00, requested by Assistant City Manager, Roger Baker due to insufficient funds to cover unbudgeted traffic light installation at Cantrell Avenue and Paul Street, be approved for second and final reading, a first reading having been approved on February 23, 1988, and that:

\$65,000 chgd. to General Fund - Unappropriated Fund Balance  
 65,000 approp. to General Fund (4107-7001.00) Traffic Engineering  
 Machinery and Equipment

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 the amount of \$80,000.00, requested by Street Superintendent, James Baker, due to insufficient funds for Snow & Ice removal operations, including the purchase of salt, repairs of equipment, and to replace funds transferred from Street Inspection Budget, be approved for second and final reading, a first reading having been approved on February 23, 1988, and that:

\$80,000 chgd. to General Fund - Unappropriated funds  
 80,000 approp. to General Fund (4202-5804.01) Street Cleaning  
 and Snow Removal

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

Vice-Mayor Dingledine moved that a supplemental appropriation in the amount of \$42,801.00, requested by the Director of Social Services, for cost allocation estimate by David Griffith & Associates - Claim for reimbursement for FY ending June 30, 1986, for direct services provided to Social Services - claim honored for a percentage of the FEDERAL SHARE of ADC, Medicaid, F.S. programs; and 75% of balance in VPA Title XX ending 9/30/87, be approved for second and final reading, a first reading having been approved on February 23, 1988, and that:

42,801.00 chgd. to Va. Public Assistance Fund - Est. revenue -  
 (1901.01) Recoveries and Rebates  
 42,801.00 approp. to Va. Public Assistance Fund - Approp. -  
 (5301-5800.00) other Reimbursable costs - cost  
 allocation 1986

The motion was seconded by Council Member Rhodes, 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 \$145,000.00, from categories in which they are not needed to other categories which need funds to cover unanticipated needs. Unanticipated needs are for additional costs for liability insurance and hospital insurance due to rate increases not known when budget was prepared; replacement and additional equipment, preschool, handicapped program expenses and additional portable classrooms needed due to increased enrollments. Council Member Rhodes moved that the transfer be approved, and that:

Instruction  
 \$ 60,000 transfer from School Fund (2-1201-109.02) Comp. Teachers Aides  
 36,755 transfer from School Fund (2-1201-134.11) Comp. Elem. teachers  
 8,000 transfer from School Fund (2-1201-221.00) Tuition Paid Other  
 Divisions  
 25,000 transfer from School Fund (2-1201-221.01) Tuition Paid Private  
 Schools  
 10,000 transfer from School Fund (2-1201-229.00) Other Instructional  
 Costs  
Adult Education  
 \$ 140 transfer from School Fund (2-1208-109.01) Comp. - clerical  
 4,950 transfer from School Fund (2-1208-134.01) Com. - Instructional  
 Personnel  
 155 transfer from School Fund (2-1208-299.00) Other Instructional  
 Costs  
 20,000 trans. to School Fund (2-1205-215.01) Repair & Replacement of  
 Equipment  
 5,000 trans. to School Fund (2-1206-210.00) Insurance  
 20,000 trans. to School Fund (2-1206-295.00) Employer Contr. Fringe  
 Benefits  
 7,500 trans. to School Fund (2-1211-109.02) Comp. - Teachers Aides  
 14,000 trans. to School Fund (2-1211-134.11) Comp. - Teachers  
 5,500 trans. to School Fund (2-1211-295.00) Employr. Contr. Fringe  
 Benefits  
 500 trans. to School Fund (2-1211-305.00) Instructional Supplies  
 150 trans. to School Fund (2-1211-403.00) Furniture & Equipment  
 17,350 trans. to School Fund (2-1900-403.00) Furniture & Equipment  
 55,000 trans. to School Fund (2-1900-699.00) Other Capital Outlay

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

Council received a request from City Manager Milam for approval of a transfer of funds in the total amount of \$403,890, to provide funds to pay interest due 6-15-88 on \$8,000,000 loan from VPSA for new middle school construction. Manager Milam explained that this was an unbudgeted item and payment has to be made by the 15th of June. Council Member Robinson moved that the transfer be approved, and that:



\$403,890 transfer from General Fund (01) Unappropriated Fund Balance  
 403,890 transfer to School Fund (02) Unappropriated Fund Balance

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

A request was presented from School Superintendent Hiner for approval of a supplemental appropriation in the amount of \$403,890.00, to provide funds to pay interest due 6/15/88 on \$8,000,000.00 loan from VPSA for new middle school construction. Council Member Robinson offered a motion for the appropriation to be approved for a first reading, and that:

\$403,890.00 chgd. to School Fund (02) Unappropriated Fund Balance  
 403,890.00 approp. to School Fund (2000-803.01) Debt Service  
 Interest on Bonds

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

A request was presented from School Superintendent Hiner for approval of a supplemental appropriation in the amount of \$5,500.00 to purchase four Apple IIe color system computers and four carts to allow the computer to be mobile. These computers will be used to carry out an instructional program designed to meet the goals set forth in this Master Plan for Computer Instruction for Harrisonburg City Schools. Vice-Mayor Dingleline offered a motion for the appropriation to be approved for a first reading, and that:

\$5,500.00 chgd. to School Fund (1899.03) Anticipated Receipts, Other  
 Funds - Donations and Gifts  
 5,500.00 approp. to School Fund (1900-403.00) Furniture & Equip.

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

Correspondence was presented from the Community Services Board (CSB) requesting authorization to proceed with an addition to the facility located at 1241 North Main Street owned by the City of Harrisonburg and leased by the CSB. Mary Morris, Chairman of the Board, explained that after conducting numerous studies regarding housing services, that the Board had determined that the proposal to expand and renovate offices currently located at 1241 North Main Street was the most attractive option for solving the space problems. She added that the Board faces the prospect of additional state funds in the next biennium which translates into additional personnel, numbering approximately 14, thus making the housing situation of the Board's services even more critical. Plus the Board faces the continuing problems of inefficiencies in overall operations from maintaining multiple sites. Mayor Green questioned as to what the Board of Supervisor's reaction was to this proposal. Ms. Betsy Knighton, Director, explained that she had spoken with Joe Paxton earlier and he indicated the Board would not be discussing it until their meeting on Wednesday, March 9th. Mary Morris further stated that it was really more in the City's hands anyway since the City owns the property, adding that no conflict is anticipated from the Board of Supervisors.

Council Member Rhodes asked to what year this addition is anticipated to serve the Board. Ms. Knighton explained it was somewhat hard to project, but at least to the year 2010. She further stated that the 14 new positions are anticipated within the next 2 years and the building is designed with flexible space for expansion; however not much more substantial growth is anticipated.

Council Member Robinson questioned the future of the CSB with concerns as to bonding availability through the State; how will the title be maintained, and could this be equally coordinated between the City and County. Ms. Knighton noted that if you just look at the track record of the CSB you will see that the CSB started with a budget of \$170,000; is operating today on a 1.2 millions dollar budget; and an anticipated 1.7 million dollar budget in 1990. She further noted that localities are required to participate in a CSB with even more pressure to provide alternate facilities to offset facilities such as Western State which costs \$130.00 per day. Ms. Knighton indicated that you have to look at the type of services provided: mental health, mental retardation, and substance abuse, adding that the need in the community is too great for the CSB to dissolve. Ms. Knighton pointed out that the CSB would be able to carry the cost of the project within their current appropriations with the intent not to request additional appropriations from the City or County.

Vice-Mayor Dingleline asked what percent in reduction of operating expenses is anticipated if all offices are located under one roof. Ms. Knighton quoted approximately \$36,000. She noted that one secretarial position will be eliminated but further stated that a new phone system will have to be installed which will involve some cost. She added there will not be much saved in moving from the Pear Street location because at this location they are only paying \$1.87 per square foot rental; but they are considering moving the Summitt House to Pear Street because of the lower cost of rent at a \$6,000 a year savings.

Vice-Mayor Dingleline questioned if the addition is built, will parking be a problem? Ms. Knighton replied that they had spoken with the owner of the adjacent lot and it is for sale at a reasonable cost.

In Mayor Green asking if there were any more questions, City Manager Milam called Council's attention to page 2, paragraph 2 of the letter received from Mary Morris stating that the Board requests that City Council take action at its March 8, 1988, meeting to approve the project **in concept** thus giving the Board

flexibility to proceed. He further noted that the City did pay \$150,000 for the present building and addition with the CSB paying \$16,000 rent per year to the City which is about \$3.00 per square foot; the price agreed upon at the time of the addition. He stated other possibilities would be for the County to build on their land or to lease space at a cost of approximately \$100,000 per year for this amount of square footage. He added one question he had was to long term commitment. Manager Milam stated he was not sure the Board could make a commitment for any longer than one year or two years, adding that at any time if either the City or County becomes unhappy, under State Code, they can pull out with a two year notification. He stated ideally he would like to have a contract with the Board for a period of 10 to 15 years, which feasibly can not be delivered, so the next best thing would be for the City Council to underwrite the project in some fashion. Manager Milam noted that the basic request is to fix the project to an amount that the CSB can pay, that is fix it to the \$72,000, which means maybe rolling back the 12,000 square feet. He further stated that if City Council would like for the project to be built, we could use local banks for financing since we own the property, or even a better solution would be to ask the Housing Authority to issue its tax exempt bonds. Manager Milam again noted that the Board is urging the City and County to approve **the concept** presented so they can proceed in getting additional plans, site plan approvals etc.

Council Member Robinson asked that when this project is completed, how does the Board plan to take care of needed furniture, fixtures, etc. Ms. Knighton pointed out that the Board does not budget capital outlay, but they plan to make do with what they have. There being no further discussion, Council Member Rhodes offered a motion to approve the concept presented by the Community Service Board subject to approval by the Board of Supervisors. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam noted that under Section 45 of the City Charter, City Council is required to contract a CPA firm to perform the annual audit. City Manager Milam noted that bids had been received under the Virginia Procurement Act with only one proposal being received by the City. The one proposal received was from the firm of Phibbs, Burkholder, Geisert & Huffman. Manager Milam called Council's attention to page 11 of the proposal, which lists an estimate of the hours needed to perform the audit and the firm's bid of \$24,000.00. Vice-Mayor Dingleline questioned how the cost compared to last year's audit. City Manager Milam noted that last year the cost of the audit was \$18,000.00, and the year before that it was \$19,000.00. Council Member Rhodes offered a motion for the firm of Phibbs, Burkholder, Geisert, and Huffman, be appointed to perform the City's Annual Audit for fiscal year ending June 30, 1987. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of the Council.

Manager Milam read the following proclamation for Council's approval:

**WHEREAS, The Tactical Air Command Band has been recognized as a world caliber musical organization representing the finest Air Force in the World since 1941....**

**WHEREAS, this organization travels over 30,000 miles performing over 500 concerts for over one million persons annually...**

**WHEREAS, the forty-five member band has performed for such international leaders as the Queen of England, the President of France and several United States Presidents ..**

**WHEREAS, the group is performing a free public concert in Harrisonburg under the auspices of James Madison University and The Daily News-Record on Thursday, March 10, 1988...**

**I, Walter F. Green, III, Mayor of Harrisonburg do declare this the TENTH DAY OF MARCH 1988 as Tactical Air Command Day.**

*Walter F. Green, III*  
Walter F. Green, III, Mayor

On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council, the resolution was adopted.

City Manager Milam read the following Resolution, which was received from the Board of Zoning Appeals with request for it to be included in the City Council minutes:

**"RESOLUTION IN RECOGNITION OF SERVICE"**

**WHEREAS, on July 1, 1973, the Harrisonburg City Council appointed Mr. John H. Byrd Jr. as Zoning Official for the City of Harrisonburg, and**

**WHEREAS, John H. Byrd, Jr. devoted many hours of this time to matters concerning zoning administration and the community of Harrisonburg and,**

**WHEREAS, John H. Byrd, Jr. served ably in this role until January 1988.**

BE IT, THEREFORE, RESOLVED: That the City of Harrisonburg Board of Zoning Appeals members do hereby wish to express their sincerest appreciation and thanks for your help and devotion and a job very well done through the years 1973 and 1988, as we look forward to your continued interest and service to the City of Harrisonburg.

BE IT FURTHER RESOLVED: That a copy of this resolution be permanently spread upon the official minutes of the Board of Zoning Appeals.

BE IT FURTHER RESOLVED: That a copy of this resolution be forwarded to the City Council for inclusion into the minutes of the Council.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice-Chairman

At 9:24 p.m., on motion of Council Member Robinson, seconded by Council Member Shank and a unanimous vote of Council Members, Council entered an executive session to discuss personnel and property.

At 10:55 p.m., on motion duly adopted, the executive session was closed and the regular meeting reconvened.

Mayor Green reminded members of a vacancy which had been created on the Harrisonburg Parking Authority, through the resignation of Jeffrey Nemoytin, and asked their wishes concerning an appointment. Council Member Shank offered a motion for Mrs. Betty H. Jolly of 520 Ott Street, Harrisonburg, to be appointed to fill the unexpired term to November 28, 1991. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members present.

Council Member Rhodes offered a motion that a public hearing be held on May 24, 1988 for persons to be heard wishing to be on the School Board. The motion was seconded by Vice-Mayor Dingledine and approved by unanimous vote of the Council.

Manager Milam called the Council's attention to a letter received from William G. O'Brien, stating that the Board of Supervisors, at its meeting on February 24, 1988, had agreed to three local appointments for the Jail Needs Assessment Team. The three appointments being Sheriff Glenn W. Weatherholtz; a member of the Buildings & Grounds Committee, appointee being Charles W. Ahrend; and a member of the Harrisonburg City Council. The Team will meet together and review the situation in Rockingham County and talk with various members of the Criminal Justice System in that County. Council Member Rhodes offered a motion for Council Member Charles L. Shank, of 1110 Moffett Terrace, be appointed to serve on the Jail Needs Assessment Team. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council Members.

There being no further business, the meeting was adjourned.

*Judy M. Gray*  
CLERK

*Walter F. Brown, Jr.*  
MAYOR

jmg:

Tuesday, March 22, 1988

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk Judy M. Gray; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Peterman and Chief of Police Richard W. Presgrave. Absent: none.

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

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

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 March 8th General Election:

Republican Party Presidential Preference Primary Election

George Bush - 263; Bob Dole - 173; Pete du Pont - 4;  
Alexander M. Haig, Jr. - 1; Jack Kemp - 39;  
Pat Robertson - 161; uncommitted - 8

Democratic Party Presidential Preference Primary Election

Bruce Babbitt - 5; Michael S. Dukakis - 220;  
Dick Gephardt - 46; Al Gore - 185; Gary Hart - 9;  
Jesse L. Jackson - 292; Lyndon LaRouche - 0;  
Paul Simon - 25; uncommitted - 20

The Report was presented for information.

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 Operations in Service Delivery Area 4 under Title II-A of the Job Training Partnership Act, period July 1, 1988 - June 30, 1989. 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. Mr. Armentrout explained that they offer two types of programs: the summer youth employment program, and the employment training program. Mr. Armentrout further noted that for the coming year a similar funding level is expected for the summer youth employment program, but drastic cuts are expected in the year round employment training program. Following the presentation, Vice-Mayor Dingleline offered a motion for Harrisonburg City Council to concur with the Plan for 1988-89. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

City Manager Milam noted that the request from Travel Mates of Virginia, Inc. had been withdrawn.

Ms. Betty S. Redmond, Nurse Manager for the Central Shenandoah Health District, appeared before Council for the purpose of presenting a report on nursing activities at the Harrisonburg-Rockingham County Health Department. Ms. Redmond noted that the Health Department is placing more emphasis on their Health Education Program, and have hired a Health Education Nurse whose main responsibility is identifying gaps in health education in the communities served by the Health Department. Ms. Redmond further added that the Health Department has a pilot program in operation in Staunton and Waynesboro where they are using volunteers for clerical work, transportation and some direct patient care. Ms. Redmond passed out the Department's Annual Report. Vice-Mayor Dingleline questioned if any gaps had been identified, and Ms. Redmond replied that there were none to date.

Manager Milam read for Council's approval a certificate of service award in recognition of Sigma Kappa Sorority and Sigma Pi Fraternity for an outstanding job they did in picking up trash in the City of Harrisonburg. Manager Milam noted that the sorority and fraternity had covered over 14.8 miles of City streets collecting over two tons of trash. Council Member Robinson moved that the certificate of service award be approved, Council Member Shank seconded the motion and it was approved by a unanimous vote of the Council.

City Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 16, 1988:

✓ "... Under other matters, Attorney Henry Clark requested the Commissioners to approve the William M. Heatwole Subdivision, Section 2, located on the west side of North Liberty Street. The subdivision of 3 industrially zoned parcels also includes a 60' future street which was presented to City Council a year or so ago as an access easement. Mr. Clark noted that Lot 3 had been deeded to the Virginia Poultry Federation. (It is not technically a subdivision due to its 12.68 acre size). Lots 1 & 2 are only 3 acres in size and Mr. Heatwole has a buyer for Lot 1, therefore he insisted this be presented tonight in subdivision form. Mr. Clark said Mr. Heatwole and International Seasonings, Inc. (located on the north side of the 60' easement) hope to get industrial access road funds to pay for construction of the proposed road. The City will ask the purchaser of Lot 1 to construct curb and gutter along the North Liberty Street frontage at a distance of 30' from the present center line of North Liberty. Other recent developers on said street have agreed to do this. Mr. Sullivan noted that a different name is needed for the proposed 60' street, because "Heatwole Road" exists in Pleasant Hill Acres. Mr. Clark asked Mr. Heatwole if "Carolyn Drive" was okay.

Mr. Rhodes moved and Mr. Hughes seconded his motion for the Commission to recommend approval of the William M. Heatwole Subdivision, Section 2. All members present voted in favor..."

Planning Director Sullivan passed out a plat with a slight change noting that the developer had donated a 10 foot wide strip along Liberty Street on the Front of Lot 1 in the Heatwole Subdivision. Planning Director Sullivan noted that this was industrial development with a new 60 foot wide street leading into the area and bordering the Japanese Plant. Attorney Henry Clark noted that Heatwole Drive has been changed to Carolyn Drive. Attorney Clark further noted that Carolyn Drive is projected to eventually end up over at Route 42 and possibly at Route 11. He noted that this is a segment of the Master Plan for traffic to move from Route 42 to Route 11. On motion of Council Member Shank, and seconded by Council Member Robinson, the Planning Commission Recommendation was approved.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 16, 1988:

✓ "...After the Director oriented the Commissioners to the overall Master Plan of Woodland Subdivision and described the 31-lot Phase 1 area, Surveyor Thomas Lincoln added that certain drainage easements will be shifted slightly. Also, the unit planned for Lot 6, Block A will be very close to H.E.C.'s 30' utility easement. Mr. Lincoln said the architect will design a house small enough to stay off the easement. Mr. Lincoln asked for a slope variance due to a 12% grade on Road "B" (to be named White Oak Court). Mr. Sullivan added that one H.E.C. telephone pole will be on the edge of "Woodland Drive" which will be the only entrance road into the development. Also, the developers do not want street lights in the subdivision. They plan to place a gas light in front of each dwelling unit. Councilman Rhodes and City Manager Milam asked Mr. Lincoln to obtain a written statement from the developers, concerning the plan for gas lights and no public street lights. Mr. Lincoln said he believes a homeowner's association will be formed and the common open space shown on the overall plan will be cared for by the association. A final request by City Staff is to have 10' utility easements straddling all lot lines.

Mr. Heath moved, and Mr. Hughes seconded the motion, for the Commission to recommend approval of Woodland Subdivision, Phase 1, including a variance for the 12% grade on Road "B," and provided the owners confirm in writing that public street lights will not be requested. This confirmation will be addressed to City Council in writing on March 22, 1988. All members present voted aye, with Chairman Trobaugh abstaining..."

Planning Director Sullivan called attention to the overall plan of development map and noted that Woodland Subdivision, Section 1 is located right off of Reservoir Street across from the Mabel Memorial Chapel. He noted that there are 31 small lots in this subdivision with plans for construction of duplexes and, in three cases, triplexes. Planning Director Sullivan called

attention to the variance recommendation for a steep grade for the short cul-de-sac and noted that the exact location of easements for storm drainage runoff and utilities maybe changed slightly before the document is signed. Manager Milam called Council's attention to paragraph 2 of the Planning Commission recommendation where it states "... and provided the owners confirm in writing that public street lights will not be requested". Manager Milam explained that this issue had been discussed for several days and, as of late today, a letter had been received from the President of Woodland of Va., Inc. requesting installation of public street lights. City Attorney Thumma noted there are no easements on the front of the lots which means public lights will be on the public right-of-ways. Council Member Rhodes offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Shank and adopted by a unanimous vote of Council Members.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 16, 1988:

**"...The Commissioners reviewed the Final Plat of Blue Stone Hills Subdivision, Section 3. Twelve single family lots, located below the water tank on Chestnut Ridge, and two new streets are included, plus an extension of Blue Stone Hills Drive. Proposed Crystal Lane will connect with Evelyn Byrd Avenue when constructed. Proposed Emerald Drive will serve future townhouse development. Mr. J. R. Copper asked for a variance regarding the 11% grade on Crystal Lane. Construction plans for streets and utilities have been reviewed.**

**Mr. Heath moved and Mr. Hughes seconded the motion to recommend approval of Blue Stone Hills Subdivision, Section 3, with a slope variance for Crystal Lane. The motion passed unanimously..."**

Planning Direction Sullivan called attention to the large area map noting that Section 3 is small as to the number of lots but noted that a little bit of Blue Stone Hills Drive will be added by Section 3 along with two new streets; being Crystal Drive, coming down the hill, and Emerald Drive going across. He further added that the development is in the woods behind the Skyline Village Shopping Center. On motion of Council Member Robinson, seconded by Council Member Rhodes, and a unanimous vote of Council Members, the recommendation of the Planning Commission was approved.

✓ City Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 16, 1988:

**"...Mr. Steve Heitz, contract purchaser of Lots 1 & 2 in Section 1 of Blue Stone Hills Subdivision, requested the Commissioners to approve re-subdividing Lot 2 into four townhouse lots, and eliminate the present line between Lots 1 & 2. The lots will face Blue Stone Hills Drive, which is currently under construction. Mr. Heitz wants to call his development "Chestnut Ridge Estates."**

**Mr. Hughes moved and Mrs. Shapiro seconded the motion to recommend approval of the re-subdivision of Lots 1 & 2, Blue Stone Hills Subdivision, Section 1. The motion passed unanimously..."**

Planning Director Sullivan called attention to the Master Plan which indicates that this area would be an ideal place for high density, luxury, multi-family units. Planning Director Sullivan further added that Mr. Heitz is planning to build four townhouse units on Lot 2. Lot 1, at this point, is not divided into townhouse lots but he expects Mr. Heitz will also build townhouses on this lot. Planning Director Sullivan further noted that this is the first change to Blue Stone Hills Subdivision as far as the lots that were reviewed and approved a few months ago. City Attorney Thumma asked if Mr. Heitz had submitted an owner's consent and dedication form, and Planning Direction Sullivan indicated that he has a copy of it in his office. 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.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 16, 1988:

✓ "...The Commissioners reviewed a Final Plat of Deyerle Subdivision, Section 11. The small triangle of land will become part of Lot 1, Neff Properties, on East Market Street just south of Evelyn Byrd Avenue.

Mr. Bill Neff explained to the Commission that a commercial client will be developing Lot 1 and they need this extra 1,577 square feet of land.

Mr. Rhodes moved and Mr. Hughes seconded the motion to recommend approval of the Final Plat of Deyerle Subdivision, Section 11. The motion passed unanimously..."

Planning Director Sullivan explained that this small triangle of land is a vacant lot, designed for corner development, at the corner of East Market Street and Evelyn Byrd Avenue just past Skyline Hills Subdivision. Planning Director Sullivan noted that the lot is not wide enough for the buyer, and that the buyer wants 20 feet more road frontage. He further added that no easements or utilities will have to be moved or added. Council Member Shank 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.

Council received the following extract from the minutes of the Harrisonburg Planning Commission meeting held on March 16, 1988:

✓ "...The Commissioners reviewed a Final Plat of Deyerle Subdivision, Section 12. It consists of proposed streets, to be dedicated to the City. They are: Evelyn Byrd Avenue, Mall Street, and Medical Avenue. Mr. Sullivan pointed out that a section of Mall Street (from Reservoir St. to Medical Ave.) doesn't appear on the plat, but grading is currently underway. Also, a 200' section of Evelyn Byrd Avenue, behind Hechinger's Stores, is not on the plat. Mr. Neff said it was an oversight and Mr. J. R. Copper said he would correct the plat. Mr. Sullivan added that City Staff has reviewed all construction and utility plans and work is underway. Mr. Heath moved that the Commission recommend approval, subject to a corrected Final Plat coming in. Mr. Hughes seconded the motion which passed unanimously..."

Planning Director Sullivan handed out a revised plat indicating a revision was necessary because a portion of Mall Street had been left off the original plat. Planning Director Sullivan then explained how all the streets within the subdivision connected up, and indicated that all the streets will have pavement 40 feet wide with curb and gutter. Planning Director Sullivan stated that the whole area will be called Valley Mall Commercial Park and will likely attract all commercial development as opposed to industrial development. Council Member Rhodes offered a motion for the recommendation to be approved with the changes. Council Member Robinson seconded the motion, and motion was adopted by a unanimous vote of Council.

Council received the following extract from the minutes of the Harrisonburg Planning Commission meeting held on March 16, 1988:

✓ "...The Commissioners reviewed a Final Plat of Golden Horizon Properties Subdivision. Four single-family lots are proposed on the east side of Statton Street. A temporary cul-de-sac will be provided at the end of Statton and Hartman Drive.

Mr. Hughes moved and Mr. Rhodes seconded the motion to recommend approval of Golden Horizon Properties Subdivision. The motion passed, with Mr. Milam abstaining..."

Planning Director Sullivan handed out supplemental maps illustrating exactly where the lots will be located. Director Sullivan indicated that the land was known for years as the Aldhizer tract, but has been sold to Jack Bowman. Director Sullivan stated that the Planning Commission is recommending approval for the four single family lots, noting that Lot 1 is barely over 10,000 sq. feet with the lots getting gradually larger as you go south. Director Sullivan

further indicated that Mr. Bowman will be required to place a temporary cul-de-sac at the end of Statton Street. He added that it is hoped that West Wolfe Street can be opened from Statton west up the hill to Hartman Drive in an effort to relieve some of the pressure of traffic on Hartman Drive. On motion of Vice-Mayor Dingleline, and seconded by Council Member Shank, the recommendation was adopted by a unanimous vote of Council.

City Council received the following extract from minutes of the Harrisonburg Planning Commission Meeting held on March 16, 1988:

✓ "...The Commissioners reviewed a proposed re-subdivision of Lot 10 in Fairway Hills, Section 3. Mr. O. Van Pence, II desires to purchase half of Lot 10, and Mr. Richard Myers desires to purchase the other half. Thus, Lot 10 will be eliminated and Lots 9 and 11 will become larger single-family lots.

Mr. Rhodes moved and Mr. Hughes seconded the motion to recommend approval of the re-subdivision of Lot 10, Fairway Hills Subdivision, Section 3. The motion passed unanimously..."

Planning Director Sullivan handed out a map showing the exact location of the lots, and explained that a vacant lot is being divided so the adjoining lots end up larger. 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 vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 16, 1988:

✓ "...Mr. Sevy Rexrode, owner of Lots 20 and 21 on Nelson Drive in Ashby Estates Subdivision, requested a slight move of the property line between Lots 20 & 21, in order to locate a driveway next to a dwelling now under construction on Lot 21.

Mr. Milan moved and Mr. Hughes seconded the motion to recommend approval of the re-subdivision of Lots 20 & 21, Ashby Estates Subdivision. The motion passed unanimously..."

Planning Director Sullivan explained that a person, who wants to build a certain shaped house with a side driveway on Lot 21, needs to have the lot line moved very slightly resulting in Lot 21 being larger and reducing the size of Lot 22. Planning Director Sullivan further stated that these lots are in a wooded area on top of the hill and the Planning Commission sees no problem with moving the lot line. Council Member Shank offered a motion for the recommendation of the City Planning Commission be approved contingent upon review and approval of the owners' consent and dedication form by City Attorney Thumma. Council Robinson seconded the motion, and motion was adopted by a unanimous vote of Council.

✓ Vice-Mayor Dingleline moved that a supplemental appropriation in the amount of \$403,890.00, requested by School Superintendent, Alan Hiner, to provide funds to pay interest due 6/15/88 on \$8,000,000.00 loan from VPSA for new middle school construction, be approved for second and final reading, a first reading having been approved on March 8, 1988, and that:

\$403,890.00 chgd. to: School Fund - Unappropriated Fund Balance  
403,890.00 appropriated to: School Fund (2000-803.01) Debt  
Service Interest on Bonds

The motion was seconded by Council Member Robinson. Mayor Green added that he wants Council to be aware of the extra money the City is giving to the school building fund. City Auditor Peterman noted that the money has already been transferred to the School Fund and approved for first reading. Manager Milan noted that the payment does have to be made in June although it was not budgeted. Mayor Green added that he wants the School Board to realize that they are gaining this money and feels the matter should be discussed with School Superintendent Hiner. There being no further discussion, the motion was adopted by a unanimous recorded vote of the Council Members.

Council Member Rhodes moved that a supplemental appropriation in the amount of \$5,500.00, requested by School Superintendent, Alan Hiner, to purchase four Apple IIe computers and four carts to allow the computers to be mobile, be approved for second and final reading, a first reading having been approved on March 8, 1988, and that:

✓ \$ 5,500.00 chgd. to: School Fund (1899.03) Anticipated Receipts  
Other Funds - Donations &  
Gifts

5,500.00 approp. to: School Fund (1900-403.00) Furniture &  
Equipment

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

A request was presented from Street Superintendent Baker for approval of a supplemental appropriation in the amount of \$8,720.35, to recover funds received from insurance company for controller destroyed by an auto accident. Funds to be used for controller replacement. Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

✓ \$8,720.35 chgd. to: General Fund (1901.01) Recoveries and Rebates  
8,720.35 approp. to: General Fund (4107-3004.05) Traffic  
Engineering  
Maintenance, replacements, highway (AL)

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

Council received a request from Water & Sewer Superintendent, Stephen Yancey, for approval of a transfer of funds in the total amount of \$200,000.00, to make payment for Harrisonburg-Rockingham Regional Sewer Authority Improvements estimated to be \$1,834,613.00. Council Member Rhodes moved that the transfer be approved, and that:

✓ \$200,000.00 transfer from Water Fund - Unappropriated Fund Balance  
\$200,000.00 transfer to Sewer Fund - Unappropriated Fund Balance

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

Council received a request from Water and Sewer Superintendent Yancey for approval of a transfer of funds in the total amount of \$200,000.00, for payment for Harrisonburg-Rockingham Regional Sewer Authority Improvements estimated to be \$1,834,613.00. Council Member Shank moved that the transfer be approved, and that:

\$200,000.00 transfer from Sewer Fund - Reserve for Depreciation  
(Utility Replacements)

200,000.00 transfer to Sewer Fund - Unappropriated Fund Balance

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

A request was presented from Water and Sewer Superintendent Yancey for approval of a supplemental appropriation in the amount of \$400,000.00, for payment for Harrisonburg-Rockingham Regional Sewer Authority Improvements estimated to be \$1,834,613.00. Council Member Robinson offered a motion for the appropriation to be approved for a first reading, and that:

✓ \$400,000.00 transfer from Sewer Fund - Unappropriated Fund Balance  
400,000.00 transfer to Sewer Fund (8-85.01) Debt Service - HRRSA  
Improvements

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

✓ For Council's consideration of approval, the following proposed Resolution was presented and read:

**WHEREAS, that due to construction and reconstruction of certain streets within the city limits of Harrisonburg, there is additional street milage which is eligible for maintenance payments as follows:**

1. Collector/Local streets which meet the requirements of Section 33.1-41.1 of the Code of Virginia as amended February 22, 1985, that are eligible for maintenance payment totaling 3.62 miles (7.24 lane miles). Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation forms and shown in red on city map.

NOW THEREFORE BE IT RESOLVED THAT, the City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 1988.

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

Attest: \_\_\_\_\_ Clerk \_\_\_\_\_ Mayor

Council Member Rhodes offered a motion for the Resolution to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of the council.

At 9:00 p.m., on motion of Council Member Shank, seconded by Council Member Rhodes and a unanimous vote, Council entered an executive session to discuss personnel and real estate matters.

At 11:42 p.m., on motion duly adopted, the executive session was closed and the regular session reconvened.

✓ Mayor Green asked Council member's wishes concerning an appointment to the Board of Zoning Appeals, inasmuch as Dr. Joseph D. Enedy's first term had expired as of March 20, 1988. Vice-Mayor Dingledine moved that Dr. Joseph D. Enedy, of 420 Eastover Drive, be reappointed to serve a second term of five (5) years, expiring March 20, 1993. The motion was seconded by Council Member Robinson, and adopted by a unanimous vote of Council.

✓ Mayor Green asked Council member's wishes concerning an appointment to the Harrisonburg Transportation Safety Commission, to replace Mr. Nelson Fitzwater, deceased. Council Member Rhodes offered a motion for Mr. Ralph Smith, of 556 East Rock Street, to fill the vacancy on the Commission. The motion was seconded by Council Member Shank and adopted by a unanimous vote of the Council.

There being no further business, on motion duly adopted, the meeting was adjourned at 11:50 p.m.

*Judy M. Gray*  
CLERK

*Stacy F. Green*  
MAYOR

Tuesday, April 12, 1988

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

Minutes of the regular meeting held on March 22, 1988, 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, 1988.

From the City Treasurer:

A trial balance report for the month of March, 1988.

From the Police Department:

A report of Fines & Costs collected - \$6,718.50; Cash collected from street parking meters - \$9,914.96; total cash collected during the month of March, 1988, paid on accounts and turned over to the City Treasurer - \$16,633.46.

From the City Auditor:

A report of cash discounts saved in the payment of vendor's invoices for the month of March, 1988, in the total amount of \$256.66.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for the month of March, 1988.

✓ City Manager Milam read a letter from residents of the Wolfe Street end of Chicago Avenue requesting the City Council to designate Chicago Avenue between Wolfe and Gay Streets for permit parking only. Bettina Beaumont, of 290 West Wolfe Street, stated that she, along with her neighbors, are having to park a long way from their homes because employees of Brockway Plastics are parking in front of their homes. She further added that Brockway Plastics provides a parking lot for its employees, but some employees still choose to park on Chicago Avenue. Ms. Beaumont further stated that she had spoken with the Manager of Brockway, and he had been very nice and indicated he would speak with his employees about the problem. Ms. Beaumont added that after she spoke with the manager, the employees stopped parking on Chicago Avenue for a few days but then continued to do so. Ann Anderson, of 227 Chicago Ave., explained that since she works shift work she comes home late hours and has no where to park because of the Brockway Employees parked in front of her house. Ms. Beaumont noted that after talking with other residents of Chicago Avenue, it seems the problem only exists between Wolfe Street and Green Street, thus changing her original request for permit parking between Wolfe St. and Gay Street, to permit parking between Wolfe St. and Green St. Chief Presgrave indicated that Chicago Avenue is a little different from the streets in the JMU area that have permit parking, and suggested that maybe this area could be designated as restricted parking. Mayor Green asked that Chief Presgrave along with City Attorney Thumma and City Manager Milam meet with the manager of Brockway Plastics and see what can be done about the problem.

✓ City Manager Milam called attention to the 1988-89 Budget submitted by the Harrisonburg Electric Commission, and noted that submission no later than April 1st is a City Code requirement. Manager Milam further added that a copy of the budget is on file in the Manager's office for review.

✓ Mr. Taylor L. Howell, Manager of the Virginia Employment Commission, was present at the meeting to present the Virginia Employment Commission's Plan of Service for Delivery Area IV, 1988 Program Year. Mr. Howell pointed out they now have automated operations, and that since November, 1987, they offer immigration certification for area employers. Following Mr. Howell's remarks, Vice-Mayor Dingledine 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 read for Council's consideration and approval the following proclamation:

**WHEREAS, the City of Harrisonburg has received a grant from the Commonwealth of Virginia, Department of Waste Management - Division of Litter Control and Recycling; and**

**WHEREAS, it is the desire of the City of Harrisonburg to use this Grant to promote Public Awareness of Litter and to provide City services in the Clean Up of private property and public right-of-ways within the City;**

**NOW, THEREFORE, I, Walter F. Green, 3rd, Mayor of the City of Harrisonburg, do hereby proclaim May 2nd through May 6th, 1988, as HARRISONBURG BEAUTIFICATION WEEK.**

*Walter F. Green, III*  
Walter F. Green, III, Mayor  
City of Harrisonburg

On motion of Council Member Shank, seconded by Council Member Robinson, and a unanimous vote of Council, the Proclamation was approved.

Council Member Shank moved that a supplemental appropriation in the amount



of \$8,720.35, requested by Street Superintendent, James Baker, to recover funds received from insurance company for controller destroyed by auto accident, be approved for second and final reading, a first reading having been approved on March 22, 1988, and that:

✓ \$8,720.35 chgd. to General (1901.01) Recoveries &  
Rebates  
8,720.35 approp. to General (4107-3004.05) Traffic  
engineering, maintenance, replacements,  
highway (AL)

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

Council Member Rhodes moved that a supplemental appropriation in the amount of \$400,000.00, requested by Water and Sewer Superintendent Yancey, for payment for Harrisonburg-Rockingham Regional Sewer Authority improvements, be approved for second and final reading, a first reading having been approved on March 22, 1988, and that:

✓ \$400,000.00 chgd. to Sewer Fund Unappropriated Fund  
Balance  
400,000.00 approp. to Sewer Fund (8-85.01) Debt Service -  
HRRSA Improvements

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

A request was presented from City Auditor Peterman for approval of a supplemental appropriation in the amount of \$14,245.00, to appropriate grant funds under the 1987 Virginia Shelter Grants Program (VSGP-1987). Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

✓ \$14,245.00 chgd. to General Fund (2404.11) Va. Shelter  
Grants Program  
14,245.00 approp. to General Fund (9104-5605.03) First  
Step

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

✓ Manager Milam called on Water and Sewer Superintendent, Steve Yancey and Mr. Roger Brookshire, Territory Manager of Rockwell International, to give a presentation on Rockwell International's bid for water meter installation. Manager Milam explained that Rockwell

International submitted the low bid for the installation of approximately 8,550 meters in the City of Harrisonburg. Water and Sewer Superintendent Yancey explained that he had researched this particular type of system for two years, and is certain that the City will realize increased revenues with this system that are currently going down the drain. Mr. Yancey further noted that according to testings and averages taken, the present meters are only about 83% accurate resulting in a loss of approximately \$600,000.00 a year in revenues. Mr. Yancey explained to Council that this system would actually pay for itself in two years. Mr. Roger Brookshire gave a demonstration of how the new system would operate and addressed questions from the Council. There being no further questions, Vice-Mayor Dingledine moved that the City of Harrisonburg enter into the contract with Rockwell International. The motion was seconded by Council Member Robinson, and approved by a unanimous vote of the Council.

✓ Vice-Mayor Dingledine expressed concern over a letter received from Warner Cable stating that the present rate for basic service will increase \$1.10 per month until the entire system is changed over. Vice-Mayor Dingledine explained that he did not think this was quite fair and, given the fact that Warner Cable had not mentioned doing this, would like to offer a motion that City Manager Milam write a letter to Warner Cable expressing Council's dissatisfaction over this action. The motion was seconded by Council Member Robinson and approved by a unanimous vote of the Council.

Council Member Robinson questioned as to when the work on the railroad

April 12, 1988

crossings in the City was going to be finished, noting that some of the crossings are still in terrible shape. Mayor Green suggested that the Railroad Co. be contacted to see what is being done.

At 8:47 p.m., on motion of Vice-Mayor Dingledine, seconded by Council Member Robinson and a unanimous vote, Council entered an executive session to discuss real estate and personnel matters.

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

  
CLERK

  
MAYOR

MB 5/17/88  
TUESDAY, APRIL 26, 1988

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk Judy M. Gray; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on April 12, 1988 were approved as corrected.

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

City Manager Milam called Council's attention to a letter received from David E. Schrock concerning inappropriate traffic in residential neighborhoods (Old Town), and asked Mr. Schrock if he would like to comment on the correspondence. Mr. Schrock stated that the fundamental point raised in the letter is that there is a problematic situation in this area with essentially two choices for solution. Mr. Schrock explained that one choice would be to sit back and see what happens, and the second one would be to analyze the situation, set some goals, priorities and solutions then eventually take action. Mr. Schrock explained that the second choice is what he is proposing to do and is hopeful to work together with the City in solving the problem. Mr. Schrock further explained that the feeling in the neighborhood is unanimous that there definitely is a problem, and added that he is certain that the proposal presented will benefit the entire Harrisonburg Community in the long run. Mr. Schrock concluded in saying that primarily he is asking for the City's input and ultimately the City's support in solving this problem. Vice-Mayor Dingleline offered a motion that the proposal be referred to the Harrisonburg Transportation Safety Commission. The motion was seconded by Council Member Robinson and approved by a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 20, 1988:

".... Mr. Sullivan explained the proposed layout of 31 single family lots in Section 5 of Harmony Heights. He stated that engineering and utility plans had been approved months ago, and construction work was already underway. College Avenue extends along the top of the hill and Park Road extends along the hillside. Mr. Orden Harman was present to confirm the Director's description.

Mr. Hartman moved and Mr. Rhodes seconded his motion for the Commission to recommend approval of the Final Plan of Harmony Heights Subdivision, Section 5. All members voted in favor....

Planning Director Sullivan called attention to a map showing the overall development, indicating that in Section 5 there are 31 lots for single family homes. Planning Director Sullivan noted that the engineering and utilities had been previously approved and some of the work has been started. Council Member Shank 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.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 20, 1988:

"... The commissioners reviewed Final Plats of five proposed parcels of Deyerle Subdivision, also known as the "Valley Mall Commercial Park.: Mr. Sullivan reported that all necessary utilities will be within public streets, therefore no easements are shown on the five proposed parcels. A memorandum from the City Engineer was read, stating that all lots "will be required to be provided with individual storm water detention or retention facilities and erosion control devices as set out in State Statute and City Ordinance." Mr. Bill Neff told the Commission he agrees with this and his buyers are fully aware of these requirements. Mr. Neff said he is putting in an overall storm water control system and erosion control plan for the Deyerle property, from Blue Stone Hills to Reservoir Street and University Boulevard.

Mr. Rhodes moved and Mrs. Shapiro seconded his motion for the Commission to recommend approval of the Final Plans of Deyerle Subdivision, Section 7,8,9,13, and 14. All members present voted in favor..."

Planning Director Sullivan called attention to the overall map stating that there are five separate lots, two of them together, on Medical Avenue. Planning Director Sullivan further noted that no easements are shown on the plats because all utilities will be in the streets. Planning Director Sullivan explained that since this area is zoned industrial there is no actual minimum lot width or size but that all of these lots are relatively large. On motion of Council Member Rhodes, and seconded by Vice-Mayor Dingledine, the recommendation of the Planning Commission was approved.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 20, 1988:

"....The Commissioners reviewed the proposed Final Plans for Reherd Acres, Units 20-C and 23-A. Twenty townhouse lots are proposed in Unit 20-C; eight will face Blue Ridge Drive, six will face Nightingale Lane and six will be behind these, facing a private parking lot. Mrs. Shapiro asked Mr. Depoy if the private parking lots will be paved? Mr. Depoy said he had graveled his private parking lots and roadways for 14 years, and this had kept the price of housing lower. He suggested the homeowners' association pave the parking areas if they vote to do so at a future date. Mr. Sullivan noted that all 20 lots have more than 2,400 square feet of area (minimum size required is 2,000 square feet) and each townhouse will have 2 off-street parking spaces, none of which will be in the front yards of those units facing Blue Ridge Drive or Nightingale Lane. Mr. Rhodes moved and Mr. Heath seconded his motion for the Commission to recommend approval of the Final Plan for Reherd Acres, Unit 20-C. The motion passed unanimously.

Concerning Reherd Acres, Unit 23-A, the Director noted that six single family lots are proposed on "Pheasant Court," a cul-de-sac east of Sparrow Court. he reported that a sinkhole exists on proposed Lot 7, and the Building Office and developer must make sure a filled-in sinkhole can be built on. Also, the City Engineer wants a 35' drainage easement to straddle the lot line between Lots 4 and 5. Mr. J. R. Copper questioned the need for the extra width; easements are usually 20' wide and Note #3 on the Plat does provide a 20' easement. Mr. Heath moved, and Mr. Hartman seconded his motion for the Commission to recommend approval, subject to the easement width being workout out by City Staff before City Council's meeting. The motion passed unanimously..."

Planning Director Sullivan called Council's attention to two large maps outlining the area, noting that Section 20-C is a townhouse development on the east side of Blue Ridge Drive east of Madison Manor. Mr. George Ford pointed out that the whole site plan was approved in 1986, and that Section 20-C is the final section to be approved in this subdivision. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council Members, the recommendation of the Planning Commission was approved.

Planning Director Sullivan explained that 23-A is six single family lots off of the new street Sparrow Court which runs next to I81, adding that a sink hole exists on lot 7. Mr. J. R. Copper added that the matter of the size of the drainage easement to straddle the lot lines had been resolved with the City Engineer as requested by the Planning Commission. Mr. Copper explained that core borings had been done on the sink hole prior to street design, and there is no problem with the bearing capacity of the soil as far as building a house on it. He further noted that the actual building would take place on the outer limits of the sink hole and not within the active portion of the sink hole. Mayor Green questioned as to what happens to the water. Mr. Copper explained that the water continues to go into the sink hole and sink, adding that very little water actually drains into the sink holes. Mr. Copper noted that all the water in the street will be carried through the storm sewer system. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council Members, the recommendation of the Planning Commission was approved.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 20, 1988:

"....Surveyor J. R. Copper, representing Augsburger Development, told the Commissioners that Mrs. Ethel Haas had sold a 383 square foot strip of her lot to Mr. John Augsburger, who has started constructing a 2-story duplex apartment facing Grace Street. The extra 3 foot-wide strip of land will give Mr. Augsburger enough total lot area to build a 3-story triplex. Twelve off-street parking spaces will occupy the backyard space, and each apartment will have 4 bedrooms, according to the construction plans submitted to the Building Office.

Opposition was expressed by Mrs. Ethel Haas, Mr. Agnes Weaver, Mrs. Sam Moore, Mrs. Susan Mansfield, Mrs. Kathy Whitten, the manager of Madison Terrace Apartments, and Commissioner Sally Shapiro.

Mrs. Shapiro moved, and Mr. Heath seconded her motion for the Commission to recommend denial of the re-subdivision of Lot 2, Haas Addition on Grace Street. The motion passed unanimously..."

Planning Director Sullivan explained that the request to increase the size of the parcel was opposed by a number of people, and the Commission passed a motion to recommend denial of this re-subdivision. Vice-Mayor Dingleline moved and Council Member Robinson seconded that the recommendation of the Planning Commission be accepted. Attorney Steven Weaver indicated that he and Mr. J. R. Copper would like to make some comments on behalf of John Augsburger, Augsburger Construction. Mr. Copper explained that the request before the Council is a simple matter of enlarging a lot, which is in compliance with both subdivision and zoning ordinances. He stated that a subdivision is a technical matter and that they had met all the technical criteria prescribed in the ordinance. Mr. Copper explained that there is a large two story, single family residence on the remaining lot; and the rest of the block around this property consist of all multi-family two and three story structures. Mr. Copper noted that the building will be built in compliance with all building codes and that he knows of no reason why the request would have been turned down. Attorney Steven Weaver reiterated the fact that this is a straight forward re-subdivision request with the subdivision meeting all the criteria of the subdivision ordinance. Mr. Weaver added that a group of persons' concerns about the design standards of the

proposed building is a totally unrelated issue in regards as to whether or not a parcel should be subdivided. Mr. Weaver stated that he understands the concerns of the group, but it is not a concern that should have been submitted through the Planning Commission. Mr. Weaver further added that if the Planning Commission's recommendation for denial was based simply on the fact that they did not like the architectural design or design standards, etc. then that was not an appropriated reason for subdivision approval or denial. Mr. Weaver indicated that he would like to ask that the re-subdivision request be given careful consideration and would strongly urge that it pass unless the subdivision is not appropriate or in compliance with the ordinance. Several Council Members stated that they did not fully understand the matter and felt that it should have been clarified in the Planning Commission. Mayor Green noted that there was no information as to the reason for denial, the conversations that took place, or even why Mrs. Haas sold the property. Council Member Rhodes explained one thing that led to the denial was that Mrs. Haas stated that when Mr. Augsburger approached her to purchase the additional land that she did not understand that an additional apartment was going to be added. Planning Director Sullivan asked for clarification, for the record, of the first sentence which states "Mrs. Ethel Haas has sold a 383 square foot strip of her lot to Mr. John Augsburger..." Mr. J. R. Copper explained that it is contracted to sell, adding that it can not be sold until it goes through the subdivision procedure. Ms. Kathy Whitten explained that she was at the Planning Commission meeting, and that there were several people present at the meeting that were concerned about the density problem that already exists in the area. She further stated that the point is, Mrs. Haas did not understand that she was selling three extra feet to provide the developer the opportunity to add an extra apartment. She also added that Mrs. Haas's trust officer was present at the meeting, and he indicated that he did not understand that there was going to be an additional apartment added either. Mrs. Helen Hanson (member of the newly formed Harrisonburg Neighborhood Coalition) spoke in support of Ms. Whitten. City Attorney Thumma stated that there has to be a reason for denial of a request; that if the re-subdivision meets all the requirements, then it can not be denied. Vice-Mayor Dingleline stated that he would like further clarification as to whether or not Mrs. Haas was mislead as to the development of the property. Mayor Green agreed that further clarification is needed and asked Mr. Augsburger how inconvenient it would be if the matter went back to the Planning Commission for clarification. Mr. Augsburger responded that it would be a serious inconvenience in that essentially he would have to stop in order to meet business obligations with other contracts as far as scheduling etc. Vice-Mayor Dingleline withdrew his original motion, and moved that the re-subdivision request be referred back to the Planning Commission with full report back to City Council. The motion was seconded by Council Member Robinson and approved with a unanimous vote of Council. Mayor Green asked Planning Director Sullivan if it was possible to hold a special Planning Commission meeting prior to the next City Council meeting in an effort to expedite things for the developer. Planning Director Sullivan indicated that he would try.

✓ City Manager Milam informed Council the H. J. Rentals re-subdivision request on North Liberty Street had been withdrawn. Mayor Green asked if there was anyone present wishing to speak on the matter even though it had been withdrawn. Mr. Ronnie Selmon, of 130 4th Street, indicated that he had canvased the neighborhood and out of the 32 persons he spoke with, 31 of them signed the petition expressing concerns and opposition regarding the request to re-subdivide the H. J. Rentals property. Mr. Selmon explained that he lives on the south side of the property, and all the water that comes down the alley runs across his property causing awful water problems. In addition to water problems, Mr. Selmon noted that a parking problem already exists in the area, and if a duplex is built, it will only add to the existing problem. Mr. Selmon further noted that a



private sewer runs down the middle of the alley and is owned by the adjoining property owners.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 20, 1988:

".... Mr. Sullivan reviewed a plat of the proposed re-subdivision of Lot 4, Section 1, R. E. Brooks Subdivision. Mr. Grant Rush is requesting that a one acre lot be established. His house is located on the proposed lot. It faces a 50' wide private right-of-way. Mr. Milam reported that several properties are served by this private road, and the owners may be working toward dedicating and constructing it for public ownership and maintenance. Mr. Sullivan reported that he had mentioned to Mr. Rush the problem of allowing a lot to face a private roadway.

Mr. Rhodes moved for the request to be tabled. Mr. Health seconded the motion which passed unanimously..."

Planning Director Sullivan indicated that the information on this re-subdivision had been sent to Dr. Rush and no response had been received from Dr. Rush. Planning Director Sullivan noted that he is under the impression that Dr. Rush and the other property owners are going to dedicate a 50 foot right-of-way to the City in hopes that it will become a public street. Director Sullivan further explained that the re-subdivision request was tabled because the proposed lot faces a private right-of-way. Council Member Robinson added that to table the request at this time seems appropriate because one of the six property owners involved in dedicating the right-of-way has been out of town and the group has not had time to meet with City staff to work out plans and get cost estimates etc. on the matter. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingleline, and a unanimous vote of Council Members, the recommendation of the Planning Commission to table the re-subdivision was approved.

✓ City Manager Milam called Council's attention to an ordinance presented for first reading (Fees for Hazardous Materials Response), prepared by City Attorney Earl Thumma at the request of Chief Larry Shifflett. The ordinance was then read, as follows:

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

**Whenever the fire department responds to any incident involving hazardous materials, as defined by Section 18.2-278.1 of the Code of Virginia, 1950, as amended, the fire department shall, at the conclusion of the incident, present a statement to the person(s), or company(s), who was responsible for the spill or release of hazardous materials, to include all costs or charges for the emergency services supplied by the fire department. All billing will be handled by the fire chief.**

City Attorney Thumma explained that Chief Shifflett wants to bill the person(s) or company(s) responsible for any hazardous material spill for the costs involved in cleaning up spill. Fire Chief of Training Melvin Groah explained that this proposed ordinance was designed so the City can recover the costs of the clean up of these spills which can be quite expensive. Chief Groah added that this ordinance was mainly designed to charge trucks making deliveries in the City or passing through on Interstate 81, but that the citizens of the City of Harrisonburg would not be exempt from charges. Council Member Robinson questioned if a schedule of costs would be included. City Attorney Thumma stated that Fire Chief Shifflett intends on charging exactly what the cost of the response is. Council Member Shank offered a motion for the ordinance to be approved for a first reading. The motion was seconded by Council Member Rhodes and adopted by a unanimous recorded vote of the Council. Mayor Green asked City Attorney Thumma to get an idea of what the charges will be prior to the second reading of the ordinance.

✓ For consideration of first reading, City Manager Milam presented an ordinance amending and re-enacting Section 5-2-1, Section 5-2-31(b) and Section 5-2-33 of the City Code. City Attorney Thumma explained that this ordinance in effect adopts the new Virginia State Wide Fire Prevention Code. City Attorney

Thumma noted that Section 5-2-31(b) had been amended to read "composed of such number of fire stations" instead of referencing two specific fire stations (Fire Station #1 and Fire Station #4.) City Attorney Thumma further noted that Fire Chief Shifflett had requested that Section 5-2-32 be amended to change the age of the volunteer firemen to age 16. Council Member Rhodes offered a motion for the ordinance to be approved for first reading. The motion was seconded by Council Member Shank and adopted by a unanimous recorded vote of the Council.

✓ City Manager Milam read for Council's consideration the following resolution:

**Amendment to Charter Agreement  
Central Shenandoah Planning District  
District Commission**

**Article IV, Section 3**

The Term of each office shall be two years commencing on July 1st of each even numbered year. No officer shall be eligible to succeed himself. An officer elected to fill a vacancy who has served less than 13 months shall be eligible for reelection.

The term of each office shall be two years commencing on July 1st of each even numbered year. An officer shall be eligible to succeed himself for one additional term. The Chairman and Vice-Chairman shall be elected officials.

WHEREAS, The Planning District Commission has adopted the above amendment and recommended it to the member jurisdictions; and

WHEREAS, the governing body of the City of Harrisonburg has reviewed the Charter amendment;

THEREFORE, BE IT RESOLVED that the governing body does concur with the above Charter Agreement amendment.

On motion of Council Member Rhodes and seconded by Council Member Shank the resolution was adopted by a unanimous recorded vote of the Council

✓ City Manager Milam presented the following resolution for Council's Consideration:

WHEREAS, the Commonwealth of Virginia Department of Housing and Community Development has issued a notice of funding availability and has requested proposals under the Virginia Shelter Grants Program - III.

WHEREAS, assistance is needed to adequately address the shelter needs of homeless persons in Harrisonburg/Rockingham County.

WHEREAS, an application for a grant under this program has been prepared.

WHEREAS, Marvin B. Milam can act on behalf of Harrisonburg and will sign all necessary documents required to complete the grant transaction.

WHEREAS, a one-for-one local match of grant funds, as required under the program, will be provided in at least the amount of \$8,750.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Harrisonburg hereby authorized Marvin B. Milam to apply for and accept the grant in the amount of \$8,750.00 and enter into a Grant Agreement with the Department of Housing and Community Development and perform any and all responsibilities in relation to such Agreement.

BE IT FURTHER RESOLVED THAT Harrisonburg agrees to provide a sub-grant to First Step, Inc. to operate the funded project and agrees to monitor and oversee their activities as prescribed by the State.

On motion of Vice-Mayor Dingledine, and seconded by Council Member Robinson, the motion was unanimously approved.

✓ Council Member Robinson moved that a supplemental appropriation in the amount of \$14,245.00, requested by City Auditor Peterman, to appropriate grant funds under the 1987 Virginia Shelter Grants Program (VSGP-1987), be approved for second and final reading, a first reading having been approved on April 12, 1988, and that:

\$14,245.00 chgd. to General Fund (2404.11) Va. Shelter  
Grants Program

14,245.00 approp. to General Fund (9104-5605.03)  
First Step

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

✓ A request was presented from Assistant City Manager, Roger Baker for a supplemental appropriation in the amount of \$74,900.00, to purchase four (4) lots for storm drainage from the Norwood-Hawkins Street area. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$74,900.00 chgd to General Fund - Unappropriated Fund  
Balance

74,900.00 approp. to General Fund (4102-7011.15)  
Street Inspection - Capital Outlay  
Work in Progress

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

✓ In reference to water meters, Mayor Green requested City Auditor Peterman to take the month of April 1988, and record all collections etc. based on the way the meters are presently being read. Then next April 1989, after subtracting all the new connections and new meters, submit a report on the difference in revenues so Council can actually see what effect the new method of reading meters has on the system.

✓ Mayor Green asked City Manager Milam to look into the system of reading meters off of the cable television lines and see what the status of this type system is.

✓ Council Member Robinson and Council Member Rhodes indicated they had received a very nice letter from the citizens in the Keister School area thanking Council for having the street lights placed on Central Ave.

✓ Council Member Rhodes, on behalf of the citizens of 4th Street, requested that a street light be placed on 4th Street. Council Member Rhodes noted that there already is a pole at the end of the street. Council Member Rhodes further noted that some citizens have complained about a tree that has been cut down and left in the alley on Myrtle Street beside the Forkavitch Apartments.

City Manager Milam indicated that he had asked the General Manager of Warner Cable to come to the Council meeting this evening but apparently because of a very busy schedule he was unable to attend. For City Council's information, City Manager read a letter received from Bill Wright, General Manager of Warner Cable.

At 9:20 p.m. on motion of Vice-Mayor Dingledine, seconded by Council Member Rhodes, and a unanimous vote, Council entered an executive session to discuss real estate matters.

At 10:25 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.

*Walter F. Green*  
CLERK  
Mayor

*Judy M. Gray*  
MAYOR  
Clerk

XX  
 AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY  
 EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE  
 FISCAL YEAR ENDING JUNE 30, 1989 TO PRESCRIBE THE TERMS

XXX  
 XXX  
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 XXX  
 XXX

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY  
 EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE  
 FISCAL YEAR ENDING JUNE 30, 1989 TO PRESCRIBE THE TERMS

Tuesday, May 10, 1988

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

Minutes of the regular meeting held on April 26, 1988, 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, 1988.

From the City Treasurer:

A trial balance report for the month of April, 1988.

From the Police Department:

A report of Fines & Costs collected - \$5,247.00; Cash collected from street parking meters - \$5,839.20; total cash collected during the month of April, 1988, paid on accounts and turned over to the City Treasurer - \$11,086.20.

From the City Auditor:

A report of cash discounts saved in the payment of vendor's invoices for the month of April, 1988, in the total amount of \$227.07.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for the month of April, 1988.

✓ City Manager Milam read correspondence received from Joseph O. Potz and Betty N. Curry requesting rezoning of 784 and 792 East Market Street from R-1 Residential to B-2 General Business. Manager Milam called Council's attention to the attached map and explained that the two lots zoned residential are located between two businesses. Council Member Shank offered a motion for the request to be referred to the Planning Commission. The motion was seconded by Council Member Rhodes and approved by a unanimous vote of Council.

✓ City Manager Milam read correspondence received from Mr. Linwood H. Rose, Vice-President of the division of Administration and Finance, James Madison University, requesting the City of Harrisonburg to close the alley behind the properties owned by the University located on Patterson Street and consisting of lots 14, 15, 16 and 17. Council Member Rhodes questioned if this would be handled in the same manner as all the other alley closing in regards to fees paid the city for tax assessment. City Attorney Thumma indicated he would check into the matter. Council Member Rhodes moved that the request be referred to the Planning Commission and that a Board of Viewers be appointed. The motion was seconded by Vice-Mayor Dingleline and approved with a unanimous vote of Council.

✓ Steven H. Gordon, Chairman of the Shenandoah Valley Food and Business Fair, was present to request the City's approval to place a banner across Main Street to help inform the community of the Food and Business Fair which will take place on Friday, June 17, 1988, from 4:30 p.m. until 8:30 p.m. Mr. Gordon indicated

that Mr. Jerry Bennett from the Harrisonburg Electric Commission has agreed to erect the banner if approval is granted. Vice-Mayor Dingledine offered a motion that approval be granted to erect a banner across Main Street. The motion was seconded by Council Member Robinson and approved with a unanimous vote of Council.

✓ City Manager Milam read the following fees which apply to the City Ordinance dealing with hazardous materials response that was approved for a first reading on April 26, 1988, and is being presented this evening for Council's consideration of a second and final reading:

1. Pumper/Ladder Truck - \$150 per day, or portion thereof
2. Hazardous materials vehicle - \$100 per day, or portion thereof
3. Automobiles/Pickup Trucks - \$30 per day, or portion thereof
4. On duty personnel - Prevailing hourly rate, plus benefits
5. Off duty personnel - Prevailing overtime rate, plus benefits

Council Member Robinson offered a motion that the ordinance to establish fees for hazardous materials response 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 Shank and adopted by a unanimous recorded vote of Council. (Ord. Bk L, page 152)

✓ City Manager Milam presented the following Ordinance which had been approved for a first reading on April 26, 1988, for Council's consideration of a second and final reading:

**Be it ordained by the Council of the City of Harrisonburg, Virginia:**

**That Sections 5-2-1, 5-2-31(b) and 5-2-33 be amended and re-enacted as follows:**

**Section 5-2-1. Fire prevention code adopted.**

(a) The Virginia Statewide Fire Prevention Code, as currently amended, and all amendments in the future thereto are hereby adopted and made a part of this code. The fire Chief shall be responsible for the enforcement of the fire prevention code.

(b) It shall be unlawful for any person to fail to comply with the provisions of the Virginia Statewide Fire Prevention Code, herein adopted and any person found in violation shall be guilty of a class 1 misdemeanor.

**Section 5-2-31(b). Composition**

(b) In addition, the fire department of the city shall be composed of such number of fire stations and paid and volunteer fire companies as may be deemed necessary by the fire chief and approved by the city manager.

**Section 5-2-33. "Volunteer fireman" defined.**

For purpose of this article, the term "volunteer fireman" shall include only members of an organized firefighting company which has in its possession and operates firefighting equipment, whose members are at least sixteen (16) years of age, serve without pay, and whose names have been duly certified by the secretary of the company as active members thereof to the clerk of the circuit court of the county for recordation in his office, as required by Section 27-42, Code of Virginia, as amended. (Code 1973, Sec. 10-15)

Vice-Mayor Dingledine offered a motion for the ordinance to be approved for second and final reading, with authorization for the Mayor to sign the ordinance and the Clerk to attest the same and spread upon the pages of the City's Ordinance Book. The motion was seconded by Council Member Robinson, and adopted by a unanimous recorded vote of Council. (Ord. Bk L, page 153)

✓ Susan H. Yoder, Executive Director of the Community Mediation Center, was present to request that Council consider funding a portion of the Center's budget. Ms. Yoder explained that the Center is in its seventh year of operation, and that most of the Center's support comes from private individuals. Ms. Yoder explained that the Center benefits the City in various ways, giving for example the drop out prevention program offered in the Jr. High School and elementary school. Ms. Yoder further noted that all city schools would like to have this program but that funds are just not available for all the services that are

requested. Ms. Yoder concluded in saying that the Center is seeking the support and endorsement of the City and would like to request \$10,000 from the city.

✓ Sherry Hill representing the Area 4 Special Olympics, explained that for the third year in a row local law enforcement officers will participate in the Law Enforcement Torch Run, which is an international event for special olympics. Ms. Hill introduced Mary Ganzer, Chairman of the Torch Run, who presented the following resolution for council's consideration of approval:

**WHEREAS, In the past few years, in several states, persons mentally retarded 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 in June 1988;**

**NOW THEREFORE BE IT RESOLVED, That the City of Harrisonburg encourages all citizens in the City of Harrisonburg to provide support for the 1988 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 proper officials to sign the same.

✓ City Manager Milam called Council's attention to their copies of the proposed Appropriation Ordinance for the City's 1988-89 Budget, balanced in gross amount of \$49,321,454. Manager Milam requested approval of the Ordinance for a first reading, as well as authorization to publish for informative fiscal planning purposes a synopsis of the proposed Budget in the Daily News Record newspaper, along with public hearing date for Tuesday, May 24, 1988, 7:30 p.m. Manager Milam presented and read his Budget Message emphasizing that in order to balance this budget on the present tax structure, \$6,438,635 was eliminated from the requests by the various departments. Council Member Rhodes offered a motion for the appropriation ordinance to be approved for first reading. The motion was seconded by Council Member Shank and approved with a unanimous recorded vote of Council. Council Member Robinson moved that authorization be granted 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 24th, 7:30 p.m. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

Dr. Lillian Jennings, Chairman of the School Board, requested that a representative of the School Board and City Council have a meeting prior to the May 24th public hearing for mutual discussion.

✓ Council Member Rhodes moved that a supplemental appropriation in the amount of \$74,900.00, requested by Assistant City Manager, Roger Baker, to purchase four (4) lots for storm drainage from the Norwood-Hawkins Street area, be approved for second and final reading, a first reading having been approved on April 26, 1988, and that:

\$74,900.00 chgd. to General Fund - Unappropriated Fund  
Balance

\$74,900.00 approp. to General Fund - (4102-7011.15)  
Street Inspection - Capital Outlay  
Work in Progress

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



City Manger Marvin Milam read a letter from C. S. Christy, Division Engineer for the Shenandoah Division Norfolk Southern Railroad, addressing questions Council had concerning rail crossings in the City.

There being no further business, and on motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the meeting was adjourned at 8:45 p.m.

  
CLERK  
MAYOR

TUESDAY, MAY 24, 1988

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 Judy M. Gray; Vice-Mayor Raymond C. Dingledine, 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 May 10, 1988, were approved as corrected.

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

✓ For information and recordation in Council minutes, City Manager Milam presented results of the General Election held in the City of Harrisonburg on May 10, 1988, for Council Members. The report, submitted and signed by members of the Harrisonburg Electoral Board, set out the voting results as follows:

Raymond C. Dingledine, Jr.	1,039
Cutis F. Kite	849
Elon W. Rhodes	1,069
Thomas H. Robinson, II	821

Greatest number of votes cast for Raymond C. Dingledine, Jr., Curtis F. Kite and Elon W. Rhodes, for the three seats on Council.

✓ At 7:40 p.m., Mayor Green closed the regular session temporarily and called the evening's first public hearing to order. City Manager Milam read the following Notice of Public Hearing, advertised in the Daily News Record newspaper on Thursday, May 12th and Monday, May 16th:

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 24, 1988, at 7:30 p.m. in the Municipal Building, 345 South Main Street, Harrisonburg, VA.**

**The Harrisonburg City Council will receive the views of citizens within the Harrisonburg School District concerning the vacancies in the East and West School Wards. These School Board members' terms will commence July 1, 1988, and be for three (3) years.**

**Marvin B. Milam, City Manager**

City Manager Milam read the following names of persons who submitted resumes for consideration: G. Edward Chappel, Jr., M. D., 311 Paul Street; Susan B. Mansfield, 505 South Mason Street; Mrs. John J. Rouse, 1255 Upland Drive; Ned A. Hillyard, 90 Emery Street; Kent St. Pierre, 73 Middlebrook St.; Carter Lyons, 1122 Rockingham Drive; Charlotte V.

McNulty, 285 Franklin Street; Challace Joe McMillin, 320 Ohio Avenue; Homer W. Brookshire, 427 Paul Street; John J. (Jack) Broaddus, 1656 Central Avenue; and Barbara T. Wheatley, 511 Paul Street. Manager Milam noted that according to the Code of Virginia Section 22.1-29.1, no nominee or applicant whose name has not been considered at a public hearing shall be appointed as a school board member. Mayor Green called on anyone present, desiring to be heard. Dr. Ed. Chappel explained that he has lived in the community for ten years and has four children in city schools. Dr. Chappel further explained that his wife has taught in the school system, and that they have been very impressed with the city schools.

Dr. Chappel noted that he has served on various school board functions, including the Drug Task Force and the High School principal's Advisory Board. Ms. Mansfield explained that she has three children, one of whom is in special education, and that she has the time, energy and willingness to work very hard on the school board. Ms. Susan Mansfield noted that she has worked with the special education programs. Mrs. John Rouse explained that she has two children in city schools, that she has been a teacher and served the schools in various ways. Mrs. Rouse noted that she helped to develop the Fine Arts Program in the schools and has helped with various fund raising projects. Bob Roberts, 261 Paul Street, indicated that he would like to place his name up for consideration. Mr. Roberts noted that he is a teacher in the Political Science Dept. at James Madison University. John Q. Adams indicated he would like to place the name Joyce A. Schultz, 451 Myers Ave., for consideration. With no one else wishing to be heard, the Public Hearing was declared closed and the regular session reconvened.

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

**WHEREAS, the Harrisonburg middle school has been authorized and funding already has been provided in the amount of \$8,000,000 in V.P.S.A. funds, and**

**WHEREAS, it appearing that additional funding in the amount of approximately \$3,500,000 is needed to complete the project, including award of a construction contract to Branch & Associates, Inc.**

**THEREFORE BE IT RESOLVED, that the Harrisonburg City School Board requests of the Harrisonburg City Council appropriate and timely funding necessary for the award of the construction contract to Branch & Associates, Inc. of Roanoke, Virginia, and for completion otherwise of the middle school project.**

City Manger Milam called on Mr. Ned Hillyard, member of the School Board, to speak on the proposed resolution. Mr. Hillyard explained that the School Board is requesting additional funding for the completion of the middle school. Mr. Hillyard noted that at the time of the initial allocation, additional costs were anticipated for site preparation and grading. Mr. Hillyard further noted that other costs have come along since that time, namely access to Route 33. Mr. Hillyard stated that they now have their facts and figures in order, and the 3.5 million will be necessary to complete the project. Manager Milam noted that the problem he sees with Council approving the 8.2 million is that expenditures of approximately \$1,100,000 have already been authorized out of the 8 million, and if bids are taken on an 8.2 million dollar property, with architectural fees of about 4 to 5 hundred thousand dollars, you only have a balance of about 6.5 million. Manager Milam further noted that in order to do this, additional revenues will have to be raised in some manner to pay the difference between the bid and the funds on hand. Manager Milam explained that there are not sufficient funds in the 49 million dollar budget to pay this 8.2 million and the 3.5 million, noting that the only money allocated in the budget is to pay the 8 million dollar bond issue. Manager Milam asked School Superintendent Hiner if he would like to have a motion on building or a motion on the 3.5 million. Mr. Hiner explained that the 3.5 million would take care of the total project and allow them to award the contract. Manager Milam noted that this would make the total school board authorization 11.5 million. Mr. Milam stated that he would like to request Council to authorize the proper officials to make application to VPSA for additional funding, and to support the 3.5 million, he will ask Council to amend the appropriation ordinance to read that the rate of taxation of Real Estate be fixed at \$0.77 per 100, which is raising the tax levy \$0.05. Mayor Green explained that this would raise approximately \$400,000 to pay the payments on the additional 3.5 million. City Attorney Thumma added that whenever there is a proposed increase in any tax levy you have to hold a public hearing, and the

public hearing has to be published in the local newspaper seven days prior to the public hearing. Attorney Thumma further added that if any amendment to the budget exceeds 1% you are also required to hold a public hearing. Mayor Green questioned Superintendent Hiner as to why the middle school bids are considerably higher than high school bids such as Turner Ashby and the Augusta County schools. Mr. Hiner replied that there were a number of factors, but explained that a significant factor was that there was a shortage of bidders which resulted in the bids not being as competitive. Mr. Hiner further noted that as for the cost per square foot of the building that the quality of the building is above average and is in keeping with other schools in the City. Mr. Hiner explained that they had projected all along that it was going to cost \$60 to \$65 per square foot, adding the site work was a factor for the increased costs. Mr. Hiner added that he had spoken with a representative of Branch and Associates, and the representative indicated that Branch and Associates could complete the building on time if they get on site in June, with an anticipated 13 to 14 month construction period. Manager Milam indicated that if it is agreeable with Council, since it is a requirement to advertise seven day prior to a public hearing, he would like to have a two step arrangement in that Council motion to authorize the Manager to advertise for a public hearing to raise the tax levy, and to authorize the proper officials to process applications to VPSA for 3.5 million additional funding. Council Member Shank offered a motion that the proper officials be authorized to make application to borrow an additional 3.5 million and for the City to hold a Public Hearing on June 14th for the purpose of raising the tax levy. The motion was seconded by Council Member Rhodes. Vice-Mayor Dingledine questioned as to what the status of delaying the bid on the schools would be. Manager Milam replied that to award the bid, we would not have the revenue to cover the bid on the grading and architectural fees, but if authorization is given to borrow additional funds then there will have to be additional revenue raised to cover the additional expenditures. Manager Milam further noted that Harrisonburg's current debt is about 26 to 27 million, which is about \$1,000 per man, woman and child; stating that to borrow this additional money would raise the city's debt to approximately 30.5 million. Vice-Mayor Dingledine indicated that he had spoken with Council Member Robinson, who is out of town on business, and Council Member Robinson had indicated he was in favor of getting the funds needed for the middle school. Mayor Green reminded Council that there is a motion on the floor to authorize the public hearing and to authorize the proper officials to make application to VPSA to borrow an additional 3.5 million. There being no further discussion, the motion was approved with a unanimous recorded vote of Council Members present. Vice-Mayor Dingledine moved, that in view of the action taken, the School Board be authorized to award the contract to Branch and Associates. The motion was seconded by Council Member Rhodes and approved with a unanimous recorded vote of Council Members present.

✓ At 8:16 p.m., Mayor Green closed the regular session, and called the evening's second public hearing to order. City Manager Milam called attention to the Budget Synopsis, which appeared in the Daily News Record newspaper on May 11, 1988, and read the following Notice of Public Hearing which 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 24th day of May, 1988, at which meeting the said budget will be further acted upon by the Council. All citizens, (especially senior citizens) are invited to attend and provide the Council with written and oral comments and ask questions concerning the City's entire proposed budget and the relationship of Revenue Sharing Funds to the budget. The Funds, and the proposed budget summarized above can be inspected by the public from 8:30 a.m. until 5:00 p.m., Monday through Friday in the City Manager's Office, second floor, Municipal Building.**

**Given under my hand this 11th day of May, 1988**

**Marvin B. Milam, City Manager**

Mayor Green called on anyone present desiring to be heard. There being no one

present, the Public Hearing was closed and the regular session reconvened.

✓ City Manager Milam presented for Council's consideration of a second and final reading the appropriation ordinance, noting that some amendments had been made to make the numbers come out which include the \$0.77 tax rate. Manager Milam noted that since a tax rate increase is not allowed unless a public hearing is held, he is not willing at this time to propose the additional amendments. Manager Milam further noted that he has about 14 pages of amendments, none of which change the overall budget figure except for Mental Health in which a reduction has been requested. Manager Milam explained that if the reduction is granted it will amount to approximately \$5,000, noting that Mental Health had asked for \$71,579, but since the County only authorized a 5% increase, they have lowered their request to \$66,570. Manager Milam further explained that this could be handled internally with the invoices that are paid to the Mental Health Agencies. Manager Milam went on to explain that the numbers the School Board wants changed do not change the bottom line figure because their request is to change some of the categories. Mayor Green noted that these changes do not alter the Council's involvement. Vice-Mayor Dingledine moved that the City Manager be authorized to make the categorical adjustments, that the School Board requested, which do not alter the bottom line figure of the appropriation ordinance. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council Members present. Manager Milam noted that in response to the non-departmental concern, that the numbers that Council are concerned about are flagged and when the invoice or letter for payment is received, it is brought to Council for authorization before payment.

City Manager Milam stated that Section X of the Appropriation Ordinance in total amount of \$49,321,454 reads:

**All of the monies appropriated as shown by the contained items in Section I through IX are appropriated upon the terms, conditions and provisions, hereinbefore set forth in this section and in accordance with the provision 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; and that the rate of taxation on tangible personal property, machinery and tools and merchants capital be fixed at \$1.50 on each one hundred dollars assessed valuation and that the rate of fee on real estate property exempt from regular taxation shall be \$0.14 per annum per \$100.00 of assessed valuation.**

**This ordinance shall become effective July 1, 1988.**

Council Member Rhodes offered a motion that the appropriation ordinance be approved for a second and final reading. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council Members present.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 18, 1988:

**"... Concerning the rezoning application to change 15.5 acres of R-2 property to B-2 "Conditional " General Business along the south side of West Mosby Road, Vice-Chairman Heath stated that in his opinion, conditional zoning is not intended to allow creation of "general sub-zones" within other zones, which would permit various uses and unspecified development of the property involved. also, rezoning is supposed to conform with the Comprehensive Plan and in this case, the 15.5 acres are within and surrounded by residential and agricultural land uses.**

**Reference to the Minutes of the April 20, 1988, Public Hearing indicates several objections to this application. Mr. Heath offered a motion for the Commission to recommend denial of the Copper-Funkhouser rezoning application for B-2 "Conditional" Business District. Mr. Hughes seconded the motion and all members voted for the motion..."**

Planning Director Sullivan explained that the Planning Commission recommendation is for denial of the rezoning request for 15.5 acres of property on Mosby Road. Planning Director Sullivan called Council's attention to a large area map pointing out where the 15.5 acres is located in relation to Nichols Dept. store. Planning Director Sullivan further indicated that Mr. Copper requests a public hearing on the matter, adding that the zoning ordinance states that City Council has to entertain such a request. Council Member Rhodes offered a motion that a Public Hearing be set for June 28, 1988, at the request of Mr. J. R. Copper. The motion was seconded by Council Member Shank and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 24, 1988:

**"... Mr. George Foard described the proposed layout of 16 duplex lots on the south side of Goldfinch Drive and 7 larger lots north of Goldfinch Drive, which will be large enough for 4-unit apartment structures. Assistant City Manager Baker reported that engineering and utility plans for Unit 17-B have been approved. Mrs. Glen Gustafson of 1332 Meadowlark Drive asked Mr. Depoy if the duplex dwellings will be rental units or owner occupied? She also asked how many unrelated persons are allowed per unit. Mr. Depoy said he hopes to sell each duplex to homeowners.**

**Mr. Heath then offered a motion for the Commission to recommend approval of the Final Plan for Reherd Acres, Unit 17-B. Mr. Hughes seconded the motion and all members voted in favor..."**

Planning Director Sullivan called Council's attention to the overall map stating that Goldfinch Drive will be extended into section 17B with duplex houses on the south side and on the north side there will be four large parcels large enough for four unit condominium or apartment structures. Director Sullivan further noted that three more similar parcels are on the new street Oriole Lane. On motion of Council Member Shank, and seconded by Vice-Mayor Dingledine, the recommendation of the Planning Commission was approved.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 18, 1988:

**"...The Commissioners reviewed a Final Plat of proposed Blue Stone Hills Subdivision, Section 3A. It consists of two lots, located on proposed Emerald Drive. Mr. Ernest James reported that multiple housing development is planned on both parcels and construction of both Emerald Drive and Crystal Lane will soon occur. Assistant City Manager Baker reported that staff approval has been granted for the engineering and utility work.**

**Mr. Hughes moved, and Mrs. Shapiro seconded his motion to recommend approval of Blue Stone Hills Subdivision, Section 3A. All members voted in favor..."**

Planning Director Sullivan called Council's attention to the overall map showing the two parcels in Blue Stone Hills Subdivision located on the proposed street Emerald Drive. Director Sullivan further noted that multiple housing development is planned for both parcels. On motion of Vice-Mayor Dingledine, seconded by Council Member Rhodes, the recommendation of the Planning Commission was approved.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 18, 1988:

**"...Mr. Bill Neff oriented the Commissioners to an overall map of the Valley Mall Commercial Park Area. He described the locations of Section 15, 16, 17, 18 & 19. He requested a variance for Section 16 because its one lot will not have street frontage. It is to be added to Lot 1 in Section 4 (which fronts on University Boulevard). The Director asked when Evelyn Byrd Ave, Mall St. and Medical Ave. will be constructed and Mr. Neff said the contractors will finish the job by July 31, 1988. Various utility and drainage easements appear on the plats, as previously approved by City staff.**

**Mr. Hartman moved and Mr. Hughes seconded his motion for the Commission to recommend approval of Deyerly Subdivision, Sections 15, 16, 17, 18, & 19, with variances for Section 16 due to no street frontage, and subject to Section 16 being conveyed to the owner of lot 1, Section 4. All members voted in favor of the motion..."**

Planning Director Sullivan called Council's attention to the large area map noting that the area is west of Valley Mall. Mr. Bill Neff noted, that except for one small section, all the sections are just standard subdivisions of a larger area. Mr. Neff explained that the small area is an exception because it has no street frontage so therefore requires a variance. Mr. Neff further added that the water, sewer and storm drainage are just about completed on Medical Ave., and he hopes to have all streets completed by July 31, 1988. Vice-Mayor Dingledine inquired if the plans involved connecting the streets from Mall Street to Blue Stone Hills. Mr. Neff stated that they do. On motion of Council Member Shank, and seconded by Council Member Rhodes, the recommendation of the Planning Commission was approved.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 18, 1988:

**"... Mr. Albert Constable explained to the Commissioners that Ashby Estates, Inc. plans to purchase 76,209 square feet of the Bobby Lee and Lucille Dillard property, located just southeast of Nelson Drive. This purchase of land will allow Ashby Estates to resubdivide Lots 32, 33 and 34 into four large lots at a future date. Mr. Constable assured City Engineer Wilcox and the Commission that a holding pond will be constructed as originally approved.**

**Mr. Heath moved and Mr. Hartman seconded his motion for the Commission to recommend approval of Ashby Estates' purchase of 76,209 square feet of land from Bobby Lee and Lucille Dillard. All members voted in favor..."**

Planning Director Sullivan called Council's attention to their map of the area stating that this is a relatively simple matter in that the odd shaped property outlined on the map is being purchased to improve the existing lots. Mr. John Driver reiterated the fact that the main object of purchasing the land is to improve the lots they already have in Ashby Estates. Mr. Driver further indicated that lots 32 and 35 will have to be vacated and rededicated. Mr. Driver explained that there will be no additional street work or utilities noting that the streets are already graded and the utilities are in. On motion of Vice-Mayor Dingledine, and seconded by Council Member Rhodes, the recommendation of the Planning Commission was approved.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 18, 1988:

**"...Under other matters, Attorney John Q. Adams told the Commission that Carr's Poultry Specialties, Inc. purchased certain lots on North Main Street in May 1977 from James and Louise Hooper. However, the transaction did not include a consent and dedication. In 1987, the owner of Lot 7 was granted permission to resubdivide. At this time, North Main Welding, Inc. (the owner of what remains of the original lot and Lot 6) requests the City to approve the May 1977 Hooper subdivision, drawn by James C. Wilkins and recorded on June 1, 1977.**

**Mr. Heath moved, and Mr. Rhodes seconded his motion for the Commission to recommend approval of the 1977 plat of Lots 6 & 7 made for Carr's Poultry Specialties, Inc. All members voted in favor..."**

Attorney John Q. Adams explained that the original lot #15 was sold by the Hoopers in 1976, and then in 1977 two more lots were created (Lots 17 and 18). Mr. Adams further explained that there never was a consent and dedication form filed, so therefore, he is requesting that City Council approve a consent and dedication form by the present owner to clear up the records. On motion of Council Member Rhodes, and seconded by Vice-Mayor Dingledine, the recommendation of the Planning Commission was approved.



✓ City Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 18, 1988:

**"...Land Surveyor Hal Benner described a proposal to resubdivide Lots 19 & 20 in Ridgeville Heights for Ronald & Kathy Wyant. Lot 19 will be divided into two lots and a strip of Lot 19 will become part of Lot 20. Mr. Milam noted that the 2,916 square foot strip of land should be labeled as an addition to Lot 20. He also reported that utilities (water & sewer) are not in Ridgeville Lane and sewer lines are not in Foley Road at this time. Mr. Wilcox suggested a new map be drawn.**

**Mr. Heath moved for the Commission to recommend approval of the resubdivision of Lots 19 & 20 in Ridgeville Heights Subdivision, providing a revised map be submitted on May 19th. Mr. Hartman seconded the motion and all members voted in favor..."**

Planning Director Sullivan explained that this is a resubdivision of property owned by Ronald and Kathy Wyant on Foley Road. Mr. Sullivan further noted that they are creating one lot that will face Foley Road and another lot that will face Ridgeville lane, with a narrow strip of land from the current lot 19 going to lot 20. Planning Director indicated that a revised map had been submitted as requested by the Planning Commission. On motion of Council Member Shank, and seconded by Vice-Mayor Dingledine, the recommendation of the Planning Commission was approved.

✓ Mr. Steven Knickrehm, Director of Facilities Planning at James Madison University, was present to request that the City of Harrisonburg grant the University a ten foot utility easement across the alley located behind 177 Patterson Street. Mr. Knickrehm called Council's attention to a large map outlining the area and pointed out where the alley is located in relation to properties owned by the University. Mr. Knickrehm further explained that the University is relocating facility and staff to houses in the area, and to serve these houses with the University's telecommunication system, they are requesting a utility easement. Mr. Knickrehm noted that the easement would be for telecommunication only. City Manager Milam noted that City Council is the only one that can grant use of a public right-a-way, and he sees no problem in doing this as long as the University carries the proper insurance on the property. Manager Milam further noted that it should be stipulated that the University would be required to relocate at their own expense should the alley not be closed. Vice-Mayor Dingledine offered a motion that James Madison University be granted a ten foot utility easement across the alley located behind 177 Patterson Street with the stipulation that should the alley not be closed, they would have to relocate at their own expense. The motion was seconded by Council Member Rhodes and approved with a unanimous recorded vote of Council Members present.

City Manager Milam presented correspondence from Chief of Police, Richard Presgrave, concerning permit parking on West Wolfe Street and Chicago Ave. Manager Milam called on Chief Presgrave to make a report on this matter. Chief Presgrave stated he did not have any more to add except to say that a partial solution would be for Brockway to rezone property to create additional off-street parking for its employees, since the City Attorney does not feel a permit parking or other type

restricted parking for purposes of convenience only would be legal. Chief Presgrave noted that to re-zone the property, which Brockway already owns, would create approximately 20-25 more parking spaces.

✓ For Council's information, Manager Milam read the following extract taken from minutes of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, May 17, 1988:

**Referring Commission members to their copies of an extract from City Council's April 26th meeting regarding "inappropriate traffic in residential neighborhoods (Old Town)" and the accompanying 12 page document, Chairman**

Rhodes noted that David Schrock, the author of the 12 page document, and Kathy Whitten, President of the Old Town Neighborhood Association, had arrived to personally address the members of the Transportation Safety Commission. Following Chairman Rhodes introduction of the individual Commission members to the guests, David Schrock spoke briefly regarding his concerns about the affect of increased traffic on the residential quality of his neighborhood, and distributed a one page summary of the contents of his 12 page document. Kathy Whitten also addressed the Commission briefly, noting her appreciation to the Police Department for its increased visibility in the neighborhood and citing her previous letter of concern about the Franklin and Ott Streets intersection which the Commission had studied at it's January meeting. After a brief exchange of comments with Commission members, Mr. Schrock and Mrs. Whitten left the meeting. Following a brief discussion by the Commission, Chairman Rhodes established a sub-committee consisting of Chief Presgrave, Assistant City Manger Roger Baker, Jim Baker and Ralph Smith to study the matter in detail and report back to the Commission at it's next meeting.

✓ City Manger Milam presented and read the following report from the May 17th meeting of the Harrisonburg Transportation Safety Commission:

Following the Commission's discussion of the coordinated traffic responsive signals used along South Main Street, Mr. Baker noted that if a city-wide policy regarding the installation of coordinated traffic signals was adopted that there would be significant savings for the City since he could then include the use of such an upgraded system in his department's specification request to the State Highway Department for funding. Most immediately, such a request would concern the lights to be installed as part of South High Street's renovation, but in the future, a city-wide policy would assure the standardization and coordination of traffic signals on all of the City's arterial roads. Noting the obvious benefits of such a coordinated system, Commission members also noted that the Public Works Department had previously reviewed the various traffic control systems available; that the Traconex 390 controllers and closed loop system had been successfully installed along South Main Street; that support and backup from the Traconex suppliers had been excellent; and that the City's current investment and expertise could be best utilized by expanding this updated system throughout the city. Following this discussion, Chief Presgrave motioned that the Commission recommend to Council that a city-wide policy endorsing the use of the Traconex coordinated traffic responsive system on all arterial street be adopted. The motion was seconded by Julius Ritchie and passed by a unanimous vote of the Commission.

Council Member Rhodes offered a motion for the recommendation of the Harrisonburg Transportation Commission to be approved. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council Members present.

✓ City Manger Milam presented for Council's information and consideration correspondence received from numerous person concerning the traffic on Carlton Street, and a copy of the City of Allentown's ordinance addressing cruising on city streets. Chief Presgrave explained that this is a nationwide problem, and measures that have already been taken have had little or no effect on the problem. Council Member Shank stated that he would like to see the Council act immediately and adopt an ordinance addressing this problem since it is affecting the livelihood of the businesses in the area. City Attorney Thumma indicated he would get the information together and prepare an ordinance for Council's consideration and approval.

✓ Mayor Green presented a letter of resignation from Lillian P. Jennings, from her appointed position on the Harrisonburg City School Board, effective as of the end of June, 1988.

✓ Manager Milam presented and read correspondence received from William L. Blair, Jr. stating that due to health problems, he would have to resign from the Harrisonburg Board of Zoning Appeals. Manger Milam noted that the City Council nominates an individual to Judge Porter R. Graves, and then Judge Graves makes

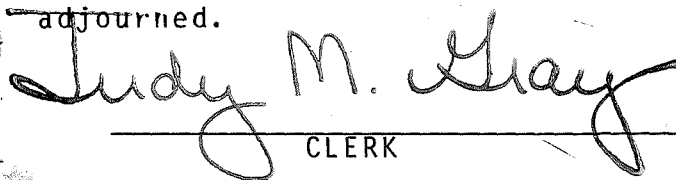
the appointment. Council Member Rhodes added that the appointment this time should be a member of the Planning Commission, since the Planning Commission does not have a member on the Board of Zoning Appeals.

✓ Chief Presgrave presented an award to the City Council that was received by the City of Harrisonburg's Transportation Safety Commission for outstanding programs in District 3, and in recognition of the tremendous growth and the City's foresight to install the Traconex light system.

Willard Shirkey asked if the public hearing to hear persons wishing to serve on the School Board could be reopened. At 9:26, Mayor Green reopened the public hearing, and Willard L. Shirkey, III, of 1281 Country Club Court stated that he would like to be considered for the Harrisonburg City School Board. Mr. Shirkey indicated that he has teaching experience and a lot of construction experience, and feels he would be able to offer the board help with the construction of the new middle school.

At 9:30 p.m., Council Member Shank offered a motion for the public hearing to be closed and for Council to enter an executive session to discuss personnel. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council members present.

At 11:15 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

✓  
**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, 1989**

**AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1989. 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, 1989:**

**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-seven thousand, seven hundred forty-five dollars and no cents (\$67,745.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$36,620.00
(2) Other Operating Expenses	28,125.00
(3) Capital Outlay	3,000.00

**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-nine thousand, nine hundred twenty-one dollars and no cents (\$99,921.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$82,886.00
(2) Other Operating Expenses	14,035.00
(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 twenty-eight thousand, six hundred dollars and no cents (\$28,600.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 27,500.00 |
| (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-eight thousand, nine hundred ninety-four dollars and no cents (\$148,994.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$113,044.00 |
| (2) Other Operating Expenses | 32,200.00    |
| (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 twenty-two thousand, two hundred dollars and no cents (\$22,200.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Other Operating Expenses | \$ 22,200.00 |
|------------------------------|--------------|

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 seventy-four thousand, six hundred nine dollars and no cents (\$174,609.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$144,799.00 |
| (2) Other Operating Expenses | 26,810.00    |
| (3) Capital Outlay           | 3,000.00     |

Paragraph Seven - 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 seventy-six thousand, ninety-six dollars and no cents (\$176,096.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |               |
|------------------------------|---------------|
| (1) Personal Services        | \$ 129,896.00 |
| (2) Other Operating Expenses | 41,200.00     |
| (3) Capital Outlay           | 5,000.00      |

Paragraph Eight - 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, one hundred seventy-nine thousand, two hundred forty-nine dollars and no cents (\$1,179,249.00) is appropriated from the General Fund to be apportioned as follows:

- |  |                |
|--|----------------|
| (1) Contribution to Retirement<br>for City Employees | \$1,179,249.00 |
|--|----------------|

Paragraph Nine - 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 eight thousand, one hundred thirty-four dollars and no cents (\$208,134.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |               |
|------------------------------|---------------|
| (1) Personal Services        | \$ 102,184.00 |
| (2) Other Operating Expenses | 66,050.00     |
| (3) Capital Outlay           | 39,900.00     |

Paragraph Ten - 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-eight thousand, seventy-six dollars and no cents (\$88,076.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 74,851.00 |
| (2) Other Operating Expenses | 10,225.00    |
| (3) Capital Outlay           | 3,000.00     |

Paragraph Eleven - 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 Twelve - Electoral Board and Officials (1301)

For the current expenses and capital outlay of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of forty-nine thousand, two hundred sixteen dollars and no cents (\$49,216.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 40,626.00 |
| (2) Other Operating Expenses | 7,590.00     |
| (3) Capital Outlay           | 1,000.00     |

Paragraph Thirteen - 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 | \$ 11,100.00 |
| (2) Capital Outlay           | 2,400.00     |

Paragraph Fourteen - 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 |
|------------------------------|-------------|

Paragraph Fifteen - 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 Sixteen - 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, four hundred fifty-seven thousand, four hundred sixty-nine dollars and no cents (\$1,457,469.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |                |
|------------------------------|----------------|
| (1) Personal Services        | \$1,140,879.00 |
| (2) Other Operating Expenses | 233,190.00     |
| (3) Capital Outlay           | 83,400.00      |

Paragraph Seventeen - 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 one million, fifty-seven thousand, four hundred ninety-seven dollars and no cents (\$1,057,497.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |               |
|------------------------------|---------------|
| (1) Personal Services        | \$ 804,905.00 |
| (2) Other Operating Expenses | 194,900.00    |
| (3) Capital Outlay           | 57,692.00     |

Paragraph Eighteen - 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 four hundred thirty thousand, two hundred thirty-three dollars and no cents (\$430,233.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 12,633.00 |
| (2) Other Operating Expenses | 417,600.00   |

Paragraph Nineteen - Building Inspection (3401)

For the current expenses and capital outlay of the BUILDING INSPECTION, division of the Department of Public Safety, the sum of one hundred sixty-three thousand, one hundred twenty-six dollars and no cents (\$163,126.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 135,426.00
(2) Other Operating Expenses	13,700.00
(3) Capital Outlay	14,000.00

Paragraph Twenty - Game Warden (3502)

For the current expenses and capital outlay of the GAME WARDEN, a division of the Department of Public Safety, the sum of thirty-nine thousand, one hundred seven dollars and no cents (\$39,107.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 3,207.00
(2) Other Operating Expenses	24,400.00
(3) Capital Outlay	11,500.00

Paragraph Twenty-One - 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-Two - Emergency Services (3505)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of one hundred nine thousand, four hundred dollars and no cents (\$109,400.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 109,400.00
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Paragraph Twenty-Three - 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 two hundred twelve thousand, six hundred two dollars and no cents (\$212,602.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 128,402.00
(2) Other Operating Expenses	11,000.00
(3) Capital Outlay	73,200.00

Paragraph Twenty-Four - Street Inspection, Repairs & Maint. (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, nine hundred forty-three thousand, seven hundred two dollars and no cents (\$1,943,702.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 555,306.00
(2) Other Operating Expenses	855,396.00
(3) Capital Outlay	533,000.00

Paragraph Twenty-Five - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of three hundred eighty-three thousand, eight hundred twenty-five dollars and no cents (\$383,825.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 383,825.00
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Paragraph Twenty-Six - 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 thirty-eight thousand, three hundred fifty-nine dollars and no cents (\$238,359.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 64,109.00
(2) Other Operating Expenses	89,250.00
(3) Capital Outlay	85,000.00

Paragraph Twenty-Seven - 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 one hundred twenty-one thousand, four hundred thirty-two dollars and no cents (\$121,432.00) is appropriated from the General Fund to be apportioned as follows:



(1) Personal Services	\$ 73,487.00
(2) Other Operating Expenses	23,945.00
(3) Capital Outlay	24,000.00

Paragraph Twenty-Eight - Street Cleaning (4202)

For the current expenses and capital outlay of the STREET CLEANING, a division of the Department of Public Works, the sum of two hundred three thousand, six hundred forty-eight dollars and no cents (\$203,648.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 77,023.00
(2) Other Operating Expenses	103,825.00
(3) Capital Outlay	22,800.00

Paragraph Twenty-Nine - 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, three hundred eighty-five dollars and no cents (\$3,385.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,710.00
(2) Other Operating Expenses	1,675.00

Paragraph Thirty - 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 two hundred sixty-eight thousand, seven hundred ten dollars and no cents (\$268,710.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 30,710.00
(2) Other Operating Expenses	68,000.00
(3) Capital Outlay	170,000.00

Paragraph Thirty-One - Downtown Rehabilitation Project (4304)

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

(1) Capital Outlay	\$ 10,000.00
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Paragraph Thirty-Two - 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 forty thousand, six hundred sixty-five dollars and no cents (\$140,665.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 140,665.00
------------------------------	---------------

Paragraph Thirty-Three - 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 seventy-one thousand, five hundred seventy-nine dollars and no cents (\$71,579.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 71,579.00
------------------------------	--------------

Paragraph Thirty-Four - 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 fifteen thousand, three hundred thirty-eight dollars and no cents (\$515,338.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 349,338.00
(2) Other Operating Expenses	122,000.00
(3) Capital Outlay	44,000.00

Paragraph Thirty-Five - Hillandale Park (7102)

For the current expenses of HILLANDALE PARK, a division of Parks, Recreation and Cultural, the sum of thirty thousand, seventy-five dollars and no cents (\$30,075.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 20,550.00
(2) Other Operating Expenses	9,525.00

Paragraph Thirty-Six - Riven Rock Park (7103)

For the current expenses of RIVEN ROCK PARK, a division of Parks, Recreation and Cultural, the sum of three thousand, four hundred thirty-eight dollars and no cents (\$3,438.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |             |
|------------------------------|-------------|
| (1) Personal Services        | \$ 2,138.00 |
| (2) Other Operating Expenses | 1,300.00    |

Paragraph Thirty-Seven - 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 thirty-one thousand, four hundred sixty-one dollars and no cents (\$231,461.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |               |
|------------------------------|---------------|
| (1) Personal Services        | \$ 153,361.00 |
| (2) Other Operating Expenses | 73,750.00     |
| (3) Capital Outlay           | 4,350.00      |

Paragraph Thirty-Eight - National Guard Armory (7105)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of thirty-two thousand, one hundred eleven dollars and no cents (\$32,111.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 18,001.00 |
| (2) Other Operating Expenses | 14,110.00    |

Paragraph Thirty-Nine - 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-two thousand, four hundred twenty-two dollars and no cents (\$22,422.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 17,772.00 |
| (2) Other Operating Expenses | 3,950.00     |
| (3) Capital Outlay           | 700.00       |

Paragraph Forty - Westover Swimming Pool (7107)

For the current expenses and capital outlay of the WESTOVER SWIMMING POOL, a division of Parks, Recreation and Cultural, the sum of fifty-five thousand, two hundred seventy-three dollars and no cents (\$55,273.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 44,373.00 |
| (2) Other Operating Expenses | 10,300.00    |
| (3) Capital Outlay           | 600.00       |

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

For the current expenses and capital outlay of the ATHLETIC COMPLEX (LANDFILL), a division of Parks, Recreation and Cultural, the sum of ninety-two thousand, nine dollars and no cents (\$92,009.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |             |
|------------------------------|-------------|
| (1) Personal Services        | \$ 5,559.00 |
| (2) Other Operating Expenses | 8,950.00    |
| (3) Capital Outlay           | 77,500.00   |

Paragraph Forty-Two - Planning Commission (8101)

For the current expenses and capital outlay of the PLANNING COMMISSION, a division of the Community Development, the sum of seventy-five thousand, seven hundred forty-four dollars and no cents (\$75,744.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 63,294.00 |
| (2) Other Operating Expenses | 7,250.00     |
| (3) Capital Outlay           | 5,200.00     |

Paragraph Forty-Three - Zoning Administration (8102)

For the current expenses of the Zoning Administration, a division of the Community Development, the sum of thirty-three thousand, seven hundred ninety-two dollars and no cents (\$33,792.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 30,892.00 |
| (2) Other Operating Expenses | 2,900.00     |

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 two thousand, three hundred forty-four dollars and no cents (\$2,344.00) is appropriated from the General Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Personal Services        | \$ 744.00 |
| (2) Other Operating Expenses | 1,600.00  |

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 twenty-nine thousand, seven hundred ninety-seven dollars and no cents (\$129,797.00) appropriated from the General Fund to be apportioned as follows:

- |                              |              |
|------------------------------|--------------|
| (1) Personal Services        | \$ 60,637.00 |
| (2) Other Operating Expenses | 69,160.00    |

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 eight hundred ninety-six thousand, one hundred sixty-three dollars and no cents (\$896,163.00) is appropriated from the General Fund to be apportioned as follows:

- |  |               |
|--|---------------|
| 9102 Insurance - Employees                         | \$ 269,780.00 |
| 9103 Insurance and Bond Premiums                   | 129,030.00    |
| 9104 Support of Community and 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 Assoc.                  | 113,152.00    |
| 5604.05 Salvation Army                             | 4,000.00      |
| 5604.06 Rescue Squad (Gas & Oil)                   | 1,000.00      |
| 5604.07 Shenandoah Valley, Inc.                    | 500.00        |
| 5604.08 Upper Valley Regional Park                 |               |
| Authority  | 14,000.00     |
| 5604.09 Commission-Regional Juvenile               |               |
| Detention Home                                     | 20,706.00     |
| 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                                 | 1,000.00      |
| 5604.14 Central Shenandoah Planning                |               |
| District   | 6,413.00      |
| 5604.15 Valley Program for Aging                   |               |
| Services   | 6,006.00      |
| 5604.16 WVPT - Public Television                   | 2,650.00      |
| 5605.01 Other Non-Departmental                     | 3,400.00      |
| 5605.03 First Step, Inc.                           | 8,500.00      |
| 5605.05 CATV - System                              | 54,882.00     |
| 5605.08 RDC - Economic Development                 | 42,800.00     |
| 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   | 157,825.00    |
| 9106 Airport:                                      |               |
| 5606.01 Subscription&Contributions                 | 25,000.00     |
| 9107 Dues to Municipal League:                     |               |
| 5607.01 Dues to Virginia Municipal                 |               |
| League   | 5,244.00      |
| 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 four hundred forty-seven thousand, eight hundred forty-five dollars and no cents (\$447,845.00) is appropriated from the General Fund to be apportioned as follows:

- |                               |               |
|-------------------------------|---------------|
| (1) Serial Bonds and Interest | \$ 447,845.00 |
|-------------------------------|---------------|

Paragraph Forty-Eight - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of eleven million, five hundred forth-six thousand, five hundred dollars and no cents (\$11,546,500.00) is appropriated from the General Fund to be apportioned as follows:

- |                         |              |
|-------------------------|--------------|
| (1) Central Garage Fund | \$ 57,219.00 |
|-------------------------|--------------|

(2) Central Stores Fund	19,418.00
(3) Virginia Public Assistance	167,992.00
(4) Schools	9,881,516.00
(5) Public Transportation	192,580.00
(6) Sanitation	1,227,775.00

Paragraph Forty-Nine - Reserve for Contingencies (12)

For Reserve for Contingencies of the General Fund the sum of thirty-two thousand dollars and no cents (\$32,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$ 32,000.00
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S U M M A R Y

Expenditures and Revenue

Total General Fund Appropriation for the  
Fiscal Year Ending June 30, 1989 \$23,271,416.00

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

Anticipated Cash Balance Available 7-1-88	\$ 200,000.00
General Property Taxes (Est.)	8,061,215.00
Other Local Taxes (Est.)	8,461,558.00
Permits, Privilege Fees and Regulatory Licenses (Est.)	84,655.00
Fines and Forfeitures (Est.)	193,438.00
Revenue From Use of Money & Property (Est.)	229,146.00
Charges for Services (Est.)	197,045.00
Miscellaneous Revenue (Est.)	\$ 1,508,000.00
Recovered Costs (Est.)	219,605.00
Payments in Lieu of Taxes (Est.)	7,000.00
Non-Categorical Aid (Est.)	1,875,429.00
Shared Expenses (Categorical) (Est.)	188,822.00
Categorical Aid (Est.)	1,452,816.00
Non-Revenue Receipts (Est.)	21,100.00
Transfers (Est.)	571,587.00

Total General Fund Revenue (Estimated)  
for the Fiscal Year Ending June 30, 1989 \$23,271,416.00

SECTION II - SCHOOL BOARD

**That the following sums of money be and the same hereby are appropriated for the school purposes specified for the fiscal year ending June 30, 1989:**

Paragraph One - 17A - Administration

For the current expenses of the ADMINISTRATION OF THE DEPARTMENT OF EDUCATION, the sum of two hundred forty-six thousand, seven hundred thirty-four dollars and no cents (\$246,734.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration	\$ 246,734.00
--------------------	---------------

Paragraph Two - 17B-1 - Instruction-Regular Day School

For the current expenses of INSTRUCTION-REGULAR DAY SCHOOL, the sum of six million, nine hundred sixty-two thousand, five hundred sixty-one dollars and no cents (\$6,962,561.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Instruction - Regular Day School	\$ 6,962,561.00
---	-----------------

Paragraph Three - 17B-2 - Other Instructional Costs

For the current expenses of OTHER INSTRUCTIONAL COSTS, the sum of one million, four hundred five thousand, one hundred seventy-four dollars and no cents (\$1,405,174.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Other Instructional Costs	\$ 1,405,174.00
-------------------------------	-----------------

Paragraph Four - 17C - Attendance and Health Services

For the current expenses of ATTENDANCE AND HEALTH SERVICES, the sum of ninety thousand, four hundred thirteen dollars and no cents (\$90,413.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Attendance & Health Services	\$ 90,413.00
----------------------------------	--------------

Paragraph Five - 17D1 - Pupil Transportation Services

For the current expenses of PUPIL TRANSPORTATION SERVICES, the sum of two hundred seventy-four thousand, four hundred fifteen dollars and no cents (\$274,415.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) Pupil Transportation Services \$ 274,415.00

Paragraph Six - 17E - School Food Services

For the current expenses of SCHOOL FOOD SERVICES, the sum of eight hundred ninety thousand, three hundred twenty-one dollars and no cents (\$890,321.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) School Food Services \$ 890,321.00

Paragraph Seven - 17F1 - Operation of School Plant

For the current expenses of OPERATION OF SCHOOL PLANT, the sum of six hundred forty-nine thousand, seven hundred twenty-two dollars and no cents (\$649,722.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) Operation of School Plant \$ 649,722.00

Paragraph Eight - 17F2 - Maintenance of School Plant

For the current expenses of MAINTENANCE OF SCHOOL PLANT, the sum of four hundred eleven thousand, eight hundred ninety-one dollars and no cents (\$411,891.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) Maintenance of School Plant \$ 411,891.00

Paragraph Nine - 17G - Fixed Charges

For the current expenses of FIXED CHARGES, the sum of one million, nine hundred ninety-six thousand, four hundred ninety-four dollars and no cents (\$1,996,494.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) Fixed Charges \$ 1,996,494.00

Paragraph Ten - 17H - Summer Schools

For the current expenses of SUMMER SCHOOLS, the sum of forty-eight thousand, one hundred eighty-four dollars and no cents (\$48,184.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) Summer Schools \$ 48,184.00

Paragraph Eleven - 17J - Federal Programs

For the current expenses of FEDERAL PROGRAMS, the sum of three hundred thirty-seven thousand, six hundred sixty-seven dollars and no cents (\$337,667.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) Federal Programs \$ 337,667.00

Paragraph Twelve - School Textbook Fund

For the current expenses of SCHOOL TEXTBOOK FUND, the sum of seventy-two thousand dollars and no cents (\$72,000.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) School Textbook Fund \$ 72,000.00

Paragraph Thirteen - Other Programs

For the current expenses of OTHER PROGRAMS, the sum of one hundred fifty-two thousand, six hundred ninety-one dollars and no cents (\$152,691.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) Other Programs \$ 152,691.00

Paragraph Fourteen - 19 - Capital Outlay

For the capital outlay of the DEPARTMENT OF EDUCATION, the sum of forty-five thousand six hundred seventy-four dollars and no cents (\$45,674.00) is appropriated from the City School Fund to be apportioned as follows:

- (1) Capital Outlay \$ 45,674.00

Paragraph Fifteen - 20 - Indebtedness Requirements School Board

For the payment of interest on and the retirement of loans of the School System of the City of Harrisonburg, Virginia, the sum of one million, three hundred thirty-five thousand, three hundred seventy dollars and no cents (\$1,335,370.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest                      \$ 1,335,370.00

S U M M A R Y

**Expenditures and Revenue**

Total School Fund Appropriations for  
Fiscal Year Ending June 30, 1989                      \$14,919,311.00

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

Receipts From State School Funds (Est.)	\$ 3,612,133.00
Revenue From Federal Funds (Est.)	566,136.00
Receipts From Other Funds (Est.)	859,526.00
Receipts From City Funds	9,881,516.00

Total School Fund Revenue (Estimated)  
for the Fiscal Year Ending Fund 30, 1989                      \$14,919,311.00

SECTION III - WATER FUND

**That the following sums of money be and the same hereby are appropriated for the water purposes herein specified for the fiscal year ending June 30, 1989:**

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 fifty-three thousand, nine hundred thirty-six dollars and no cents (\$53,936.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 48,361.00
(2) Other Operating Expenses	5,575.00

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 two hundred seventeen thousand, two hundred ninety dollars and no cents (\$217,290.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 10,690.00
(2) Other Operating Expenses	206,600.00

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 forty-nine thousand, seven hundred fifty dollars and no cents (\$449,750.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 202,230.00
(2) Other Operating Expenses	247,520.00

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, four hundred fifteen dollars and no cents (\$48,415.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$ 45,000.00
(2) Other Operating Expenses	3,415.00

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of three hundred seventy-nine thousand, four hundred forty-five dollars and no cents (\$379,445.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$ 304,575.00
(2) Taxes, etc.	74,870.00

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 three hundred thirty-three thousand, four hundred forty dollars and no cents (\$333,440.00) is appropriated from the Water Fund to be apportioned as follows:

- |                              |               |
|------------------------------|---------------|
| (1) Personal Services        | \$ 195,240.00 |
| (2) Other Operating Expenses | 138,200.00    |

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 five hundred seventy-four thousand, four hundred dollars and no cents (\$574,400.00) is appropriated from the Water Fund to be apportioned as follows:

- |                    |               |
|--------------------|---------------|
| (1) Capital Outlay | \$ 574,400.00 |
|--------------------|---------------|

Paragraph Eight - Indebtedness Requirements Water Fund (8)

For the payment of interest, retirement and handling charges of bonds of the PUBLIC SERVICE ENTERPRISES - WATER ACTIVITIES, the sum of four hundred ninety-six thousand, six hundred seventy-five dollars and no cents (\$496,675.00) is appropriated from the Water Fund to be apportioned as follows:

- |                                  |               |
|----------------------------------|---------------|
| (1) Serial Bonds, Interest, etc. | \$ 496,675.00 |
|----------------------------------|---------------|

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-two thousand, eight hundred ninety-six dollars and no cents (\$232,896.00) is appropriated from the Water Fund to be apportioned as follows:

- |  |               |
|--|---------------|
| (1) To General Fund, Share of Accounting, Collecting & Data Processing | \$ 125,933.00 |
| (2) To General Fund - Insurance  | 5,107.00      |
| (3) To General Fund - Retirement & Social Security                     | 58,685.00     |
| (4) To Central Garage Fund   | 28,608.00     |
| (5) To Central Stores Fund   | 14,563.00     |

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation of other funds the sum of seventy-six thousand, six hundred eighty dollars and no cents (\$76,680.00) is appropriated from the Water Fund to be apportioned as follows:

- |                                   |              |
|-----------------------------------|--------------|
| (1) To General Fund - Utility Tax | \$ 76,680.00 |
|-----------------------------------|--------------|

S U M M A R Y**Expenditures and Revenue**

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1989	\$ 2,862,927.00
--	-----------------

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

Other Local Taxes (Est.)	\$ 81,680.00
Permits, Privilege Fees and Regulatory Licenses (Est.)	162,200.00
Revenue From Use of Money & Property (Est.)	29,500.00
Charges for Services (Est.)	2,169,222.00
Recovered Costs (Est.)	20,000.00
Non-Revenue Receipts (Est.)	100,325.00
Transfers (Est.)	300,000.00

Total Water Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1989	\$ 2,862,927.00
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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, 1989:



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 fifty-three thousand, four hundred seventy-one dollars and no cents (\$53,471.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 48,361.00
(2) Other Operating Expenses	5,110.00

Paragraph Two - Treatment and Disposal (2)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of nine hundred forty-two thousand, two hundred seventy-two dollars and no cents (\$942,272.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 32,070.00
(2) Other Operating Expenses	910,202.00

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 three hundred nineteen thousand, four hundred seventy dollars and no cents (\$319,470.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$ 200,170.00
(2) Other Operating Expenses	119,300.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of two hundred forty-nine thousand, seven hundred sixty-two dollars and no cents (\$249,762.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$ 211,830.00
(2) Taxes, etc.	37,932.00

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 five hundred seventy-six thousand, four hundred dollars and no cents (\$576,400.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$ 576,400.00
--------------------	---------------

Paragraph Six - Indebtedness Requirement - Sewer Fund (8)

For the payment of interest and retirement of bonds and temporary loans of the PUBLIC SERVICE ENTERPRISES - SEWER ACTIVITIES, the sum of five hundred fifty thousand, five hundred fifty-eight dollars and no cents (\$550,558.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$ 500,558.00
(2) HRRSA - Improvements	50,000.00

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-five thousand, two hundred eighty-five dollars and no cents (\$235,285.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting, & Data Processing	\$ 125,933.00
(2) To General Fund - Insurance	7,496.00
(3) To General Fund - Retirement & Social Security	58,685.00
(4) To Central Garage Fund	28,608.00
(5) To Central Stores Fund	14,563.00

S U M M A R YExpenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1989 \$ 2,927,218.00

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

Other Local Taxes (Est.) \$ 100.00  
Permits, Privilege Fees and

Regulatory Licenses (Est.)	57,500.00
Revenue From Use of Money & Property (Est.)	25,590.00
Charges for Services (Est.)	2,717,178.00
Recovered Costs (Est.)	8,000.00
Non-Revenue Receipts (Est.)	22,850.00
Transfers (Est.)	96,000.00
Total Sewer Fund Revenue (Estimated)	
for the Fiscal Year Ending June 30, 1989	\$ 2,927,218.00

#### 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, 1989:

##### 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 five hundred twelve thousand, four hundred fifty-three dollars and no cents (\$512,453.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$ 302,263.00
(2) Other Operating Expenses	210,190.00

##### 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 two hundred forty-six thousand, two hundred twenty-four dollars and no cents (\$246,224.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 246,224.00
------------------------------	---------------

##### 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 eighty-seven thousand, six hundred eleven dollars and no cents (\$87,611.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 87,611.00
------------------------------	--------------

#### S U M M A R Y

##### Expenditures and Revenue

Total Virginia Public Assistance Fund Appropriations for the Fiscal Year Ending June 30, 1989	\$ 846,288.00
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To be provided for from the following Anticipated Revenue which is as follows:

Categorical Aid (Est.)	\$ 678,296.00
Transfers From Other Funds (Est.)	167,992.00

Total Virginia Public Assistance Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1989	\$ 846,288.00
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#### SECTION VI CENTRAL GARAGE FUND

That the following sums of money be and the same hereby are appropriated for Central Garage purposes herein specified for the fiscal year ending June 30, 1989:

##### 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-nine thousand, four hundred thirty-five dollars and no cents (\$229,435.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$ 168,670.00
(2) Other Operating Expenses	35,015.00
(3) Capital Outlay	25,750.00

**S U M M A R Y****Expenditures and Revenue**

Total Central Garage Fund Appropriations  
for the Fiscal Year Ending June 30, 1989 \$ 229,435.00

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

Revenue From Use of Money & Property (Est.) \$ 115,000.00  
Transfers From Other Funds (Est.) 114,435.00

Total Central Garage Fund Revenue (Estimated)  
for the Fiscal Year Ending June 30, 1989 \$ 229,435.00

**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, 1989:

**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 forty-eight thousand, five hundred forty-four dollars and no cents (\$48,544.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services \$ 16,944.00  
(2) Other Operating Expenses 19,600.00  
(3) Capital Outlay 12,000.00

**S U M M A R Y****Expenditures and Revenue**

Total Central Stores Fund Appropriations  
for the Fiscal Year Ending June 30, 1989 \$ 48,544.00

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

Transfers From Other Funds (Est.) \$ 48,544.00

Total Central Stores Fund Revenue  
(Estimated) for the Fiscal Year  
Ending June 30, 1989 \$ 48,544.00

**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, 1989:

**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 ninety-five thousand, seven hundred ninety-six dollars and no cents (\$495,796.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services \$ 238,587.00  
(2) Other Operating Expenses 257,209.00

**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 fifty-nine thousand, six hundred sixty-two dollars and no cents (\$259,662.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services \$ 151,392.00  
(2) Other Operating Expenses 108,270.00

**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 thirty-five thousand, seven hundred forty dollars and no cents (\$335,740.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services \$ 228,713.00  
(2) Other Operating Expenses 107,027.00

**Paragraph Four - Miscellaneous (4)**

For the current expenses of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of sixty-three thousand, five hundred sixty-three dollars and no cents (\$63,563.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 8,807.00
(2) Other Operating Expenses	54,756.00

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 thirteen thousand dollars and no cents (\$213,000.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlay	\$ 213,000.00
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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, 1989 \$ 1,367,761.00

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

Services to Departments (Est.)	\$ 30,000.00
Charges for Services (Est.)	658,291.00
Recovered Costs (Est.)	10,000.00
Other Categorical Aid (Est.)	390,000.00
Transfers From Other Funds (Est.)	279,470.00

Total Public Transportation Fund  
Revenue (Estimated) for the Fiscal  
Year Ending June 30, 1989 \$ 1,367,761.00

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, 1989:

Paragraph One - Resource Recovery Facility (1)

For the current expenses of the RESOURCE RECOVERY FACILITY, a division of the Sanitation Fund, the sum of five hundred twenty-one thousand, eight hundred eighteen dollars and no cents (\$521,818.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 367,266.00
(2) Other Operating Expenses	154,552.00

Paragraph Two - Refuse Collection (2)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of four hundred twenty-four thousand, five hundred fifty-seven dollars and no cents (\$424,557.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 303,534.00
(2) Other Operating Expenses	121,023.00

Paragraph Three - Sanitary Landfill (3)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of one hundred thirteen thousand, eight hundred thirty-four dollars and no cents (\$113,834.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 83,054.00
(2) Other Operating Expenses	30,780.00

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 sixty-five thousand dollars and no cents (\$65,000.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlay \$ 65,000.00

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, three hundred twenty-five thousand, three hundred fifty-two dollars and no cents (\$1,325,352.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Serial Bonds and Interest \$ 1,325,352.00

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 YExpenditures and Revenue

Total Sanitation Fund Appropriations  
for the Fiscal Year Ending June 30, 1989 \$ 2,848,554.00

To be provided for from the following  
Anticipated Revenue, which is as follows:  
Revenue From Use of Money & Property (Est.) \$ 1,000.00  
Charges For Services (Est.) 1,021,742.00  
Recovered Costs (Est.) 300.00  
Revenue From Federal Government (Revenue  
Sharing Funds) (Est.) 306,712.00  
Transfers (Est.) 1,518,800.00  
Total Sanitation Fund Revenue (Estimated)  
for the Fiscal Year Ending June 30, 1989 \$ 2,848,554.00

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH IX  
IN THIS ORDINANCE  
FOR THE FISCAL YEAR ENDING JUNE 30, 1989  
RECAPITULATION

Section I	(General Fund)	\$23,271,416.00
Section II	(School Fund)	\$14,919,311.00
Section III	(Water Fund)	\$ 2,862,927.00
Section IV	(Sewer Fund)	\$ 2,927,218.00
Section V	(Virginia Public Assistance Fund)	\$ 846,288.00
Section VI	(Central Garage Fund)	\$ 229,435.00
Section VII	(Central Stores Fund)	\$ 48,544.00
Section VIII	(Public Transportation Fund)	\$ 1,367,761.00
Section IX	(Sanitation Fund)	\$ 2,848,554.00
TOTAL APPROPRIATIONS		\$49,321,454.00

SECTION X

All of the monies appropriated as shown by the contained items in Sections I through IX are appropriated upon the terms, conditions and provisions hereinbefore set forth in connection with said items and those set forth in this section and in accordance with the provisions of the official code of the City of Harrisonburg, Virginia, Edition 1979, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate be fixed at \$0.72 (Seventy-two Cents), and that the rate of taxation on Tangible Personal Property, Machinery and Tools and Merchants Capital, as defined by Chapter 35 of Title 58.1 of the code of Virginia, 1950, as amended, and on all boats or watercraft under five (5) tons burthen used for business or pleasure, as defined by Section 58.1-3503 of said Code, and on all vehicles without motive power used or designed to be used as mobile homes or offices or for other means of habitation, as defined by Section 58.1-3503 of said Code, be fixed at \$1.50 (One Dollar and Fifty Cents) on each one hundred dollars assessed valuation for the year 1988; 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 furnished police and fire protection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Sections 58.1-3606 through 58.1-3608 of the Code of Virginia. Pursuant to Section 58.1-3400 through 58.1-3407 Code of Virginia, as amended, rate of service charge shall be Fourteen Cents (\$0.14) per annum per \$100.00 of assessed valuation, payable on or before December 5, 1988. 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, 1988, and ending June 30, 1989, 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, 1988.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

Judy M. Gray  
CLERK

Walter F. [Signature]  
MAYOR

## SPECIAL MEETING

Tuesday, May 31, 1988

At a special meeting of Council held in the Council Chamber this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk Judy M. Gray; Vice-Mayor Raymond C. Dingledine; Council Members Elon W. Rhodes, Thomas H. Robinson, II, Charles L. Shank; City Auditor Philip L. Peterman. Absent: Chief of Police Richard W. Presgrave. (sitting in for the Chief, Capt. Stroble).

✓ 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 Tuesday, May 31, 1988, 7:30 p.m., to consider the following matters and take necessary action thereon:

1. To reconsider proposed Public Hearing scheduled for June 14, 1988, for the purpose of increasing the Real Estate Tax from \$0.72 to \$0.77, in order to generate approximately \$400,000.00 for additional Bonded Indebtedness of the Middle School, estimated to be \$400,000.00.

2. To reconsider the authorization to borrow \$3,500,000.00 for the Middle School.

Mayor Green explained that after thinking about the actions taken at the May 24th Council Meeting, he was very much concerned about the levying of an additional tax burden on the citizen, and secondly feels there should be a better way to finance the additional monies that are needed by the School Board without borrowing more money and paying a lot of interest. Mayor Green added that the 8 million dollars is going to cost the city approximately 13 million dollars; and to



borrow 3.5 million dollars more will cost the city an additional 2 million in interest. Calling Council's attention to a handout of the State Auditor's Report, Mayor Green explained that the bond indebtedness burden on every man, woman and child in the city is, at present, \$924.00. Mayor Green further explained that the 8 million that is already borrowed will bring the bond indebtedness up to \$1,225 per capita; and if another 3.5 million is borrowed the bond indebtedness will be \$1,358. Mayor Green noted that the City of Harrisonburg is one and half times above the State average, stating that at some point there has to be an end to what can be spent. Mayor Green stated that he had received numerous calls from citizens upset at the proposal to raise taxes. Mayor Green further stated that he felt the School Board could cut out some things that are not absolutely necessary, noting that the 3.5 million is not needed in this fiscal year. Mayor Green also noted that it has been said all along that if we could get the building built then the furnishing could be added along the way thus deleting the 1.5 million for furnishing. Mayor Green called on Earl Budd, Chairman of the Harrisonburg Electric Commission, to make some comments, noting that if it were not for HEC, the Real Estate Tax in the City would be around \$0.94 or \$0.95 now, because what HEC is proposing for next year is helping to keep the tax rate down about 22 1/2 cents. Mr. Budd explained that the Commission had discussed the possibility of increasing the amount they pay to the city because of having such a good year, with a 14.3% increase over last year. Mr. Budd noted that the increase is due to new residential customers, shopping centers on Route 33, and two large companies adding on to the system. Mr. Budd stated that the Commission feels they can come up with an additional \$300,000.00 to the City to help offset the tax increase. Mr. Budd further stated that the Commission held a special meeting to amend their budget of 1.5 million that was presented earlier to include an additional \$300,000.00 for the next fiscal year, with the idea that it will go towards the \$400,000 that is needed and help put off the tax increase. Mayor Green called Council's attention to a handout entitled Thomas Harrison Middle School Project. Mayor Green summarized that the actual costs for site and building construction is \$9,335,000. In summarizing the other fees, Mayor Green noted that there is \$500,000 estimated for fees, legal, surveys, etc.; \$25,000 for clerk of the works; \$140,000 contingency fund; \$1,250,000 for furniture and equipment, which is not needed right now; and further noted that the City does not know what the total bid entails for water and sewer since the City has never been told where the water and sewer lines and roadway were started in the bid. In regards to financing, Mayor Green called Council's attention to another handout outlining how the middle school could be funding without borrowing additional money. Mayor Green summarized that the money that is definitely needed is \$1,085,000 for site grading; \$8,250,000 for the general contract and \$500,000 for architect fees for a total of \$9,835,000, leaving a balance of \$1,835,000, with the \$8,000,000 bond issue. Mayor Green explained the plan that has been worked out is to pay the balance of \$1,835,000, by using the \$400,000 earned interest from the 8 million bond issue, the contribution of \$300,000 from HEC, contributions of \$200,000 each from the water and sewer funds plus an additional \$735,000, from the General Fund. Mayor Green noted that the only thing not including in this outline is money for furnishing. Council Member Robinson questioned where the additional \$735,000 from the General Fund would come from. Manager Milam noted that this is an estimated figure to come from increased sales taxes 13 months from now. Manager Milam further noted that should the city run into a problem between now and the time the building is completed, the city is in a position to obtain short term financing from a local bank. Vivian Rudmin, of 864 Chicago Ave, inquired how a short term or long term loan to furnish the middle school will affect citizens later as to tax increases, noting that she felt it would be cheaper to borrow the money now as apposed to later. Ms. Rudmin also questioned if not borrowing the 3.5 million will delay the opening of the junior high school since it sounds like the school will not be furnished. Ms. Rudmin further noted that she does not feel the City Council is concerned about

the students and teachers, adding that she did not think it is fair to expect teachers to work in, or students to attend, inadequate facilities. Ms. Rudmin also noted that she is afraid down the road the money will go to other things, and the schools will get pushed back. Mayor Green noted that schools have never been pushed back, and they are not being pushed back now. In answer to Ms. Rudmin's other questions, Mayor Green explained that Council does not intend on putting students and teachers in an empty building, but simply want to use the furnishing that the schools already have. Mayor Green assured Ms. Rudmin that the financing has nothing to do with the construction schedule or delaying the opening of the schools. Council Member Rhodes noted that the City Council has never pushed the schools aside or slighted them, and has always made provisions for the schools. Manager Milam explained that Council needs to do two things this evening, one to cancel the public hearing scheduled for June 14th for the purpose of increasing the Real Estate Tax from \$0.72 to \$0.77, and secondly rescind the motion authorizing the proper officials to make application to VPSA to borrow \$3,500,000 for the middle school. Council Member Rhodes offered a motion that the public hearing scheduled for June 14, 1988, be canceled. Council Member Shank seconded the motion. Mr. Tony Bopp, of 69 Sharon Street, stated he felt the City was going to have to face up to funding new equipment for the new Jr. High either now or later, since in his opinion, the present equipment is not adequate. Mr. Bopp further stated that the City's indebtedness is not as bad as sounds since it does cover a twenty year period. Mr. Bopp explained that he also felt the main reason for the property values in the City being higher is because of the schools, noting that many persons choose to live in the City because of the schools. Mr. Bopp indicated that he feels his house is worth \$10,000 more than it would be if it was in the County primarily because of the schools. Mr. Bopp explained that he also feels the impression the city is giving with mobil class rooms, and furnishing a new school with used equipment, does not correspond with the quality of schools we have. Mr. Bopp noted that his main concern is that if this short sided approach is always taken when it come to funding the schools, then at some point down the road the City will lose the advantage of the schools. Mr. Bopp further noted that the Council is going to have to face up to buying new equipment at some point, and wonders what happens if the budget is even tighter next year. Mayor Green stated that this is not anticipated. Mr. Bopp concluded in stating that if there is more inflation in the coming years, cities that are more in debt will be better off. Mayor Green noted that the City of Harrisonburg has plenty of debt. Council Member Rhodes noted that it has been moved and seconded to cancel the public hearing scheduled for June 14. There being no further discussion, the motion was approved with a unanimous recorded vote of the Council. Vice-Mayor Dingledine offered a motion that the motion authorizing the proper officials to borrow \$3,500,000 for the Middle School be rescinded. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of the Council. In view of the extensive discussion on the City's indebtedness, City Manager Milam asked permission to name some of the projects the City is still paying for which include: the Housing for the Elderly, parking facilities downtown, Massanutten Vo Tech, Harrisonburg High School, Keister Elementary School twice, Waterman Elementary twice, Spotswood Elementary twice, Water Fund, Va. Soil and Water, HEC, Regional Sewer Authority, Lineweaver note for school property, Rockingham Co. the LNTR, the \$8,000,000 to schools last year plus the Emswiler note. Ned Hillyard, on behalf of the School Board, thanked City Council for their help and said they look forward to working with the Council on completing the Middle School project successfully. At 8:30 p.m., there being no further discussion, Council Member Rhodes offered a motion for the meeting to be adjourned. The motion was seconded by Council Member Shank and approved with a unanimous vote of Council.

*Judy M. Gray* CLERK *Walter F. Green* MAYOR

Regular Meeting  
Tuesday, June 14, 1988

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk Judy M. Gray; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon Rhodes, Charles L. Shank, Thomas H. Robinson, II; and City Auditor Philip L. Peterman. Absent: Chief of Police Richard W. Presgrave. (Sitting in for the Chief, Captain Stroble).

Minutes of the regular meeting held on May 24, 1988, 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 May, 1988.

From the City Treasurer:

A trial balance report for the month of May, 1988.

From the Police Department:

A report of Fines & Costs collected - \$4,617.55; Cash collected from street parking meters - \$9,989.59; total cash collected during the month of May, 1988, paid on accounts and turned over to the City Treasurer - \$14,607.14.

From the City Auditor:

A report of cash discounts saved in the payment of vendor's invoices for the month of May, 1988, in the total amount of \$775.41.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for the month of May, 1988

✓ City Manager Milam read correspondence received from Henry C. Clark, Attorney for DMI Corporation and Robert and Joyce S. Jellum, requesting re-zoning of four lots situated on the southwest side of Port Republic Road. Council Member Rhodes offered a motion that this matter be referred to the Planning Commission. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ City Manager Milam read correspondence received from Greg Liskey, requesting that the remaining portion of his land, on Old Furnace, be rezoned from its current R2 zoning to R3 zoning status. Manager Milam noted that the front part of this land is in the City, the middle section in the County and the backside in the City. Vice-Mayor Dingleline offered a motion that the matter be referred to the Planning Commission. The motion was seconded by Council Member Robinson, and approved with a unanimous vote of Council.

✓ City Manager Milam read correspondence received from Mr. Arthur Richmond of 434 W. Market Street, requesting a handicapped parking sign in front of his house at Shenandoah Ave. due to being 100% disabled. Mr. Richmond stated that residents of the apartment house across the street constantly park in front of his house leaving him no where to park. Mr. Richmond further noted that his physical problems are compounded by him having to hunt for a place to park. Assistant City Manager Baker noted that there is no provision in the City Code that allows the city to place an individual residential handicapped parking space in, so Mr. Richmond has come to the Council for some relief. Mayor Green asked Assistant City Manager Baker, City Attorney Thumma and the Police Dept. to look into the matter to see what can be done before the next Council meeting.

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 (5,000,000.00) 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 15 day of June, 1988

Attest: Judy M. Gray Clerk Mayor

Mr. Earl Budd, Chairman of the Harrisonburg Electric Commission, present in the meeting, noted that the Resolution is self-explanatory and just a matter of formality. On motion of Council Member Robinson, seconded by Council Member Shank, and a unanimous recorded vote of the Council, the Resolution was approved, with authorization for the proper officials to sign the same.

✓ City Manager Milam presented for Council's consideration of a first reading an ordinance enacting Title 14, Chapter 1, Article E. of the City Code relating to Cruising. City Attorney Thumma explained that he had meet with Chief Presgrave and drafted a ordinance, based on similar ordinances from Allentown, Pennsylvania and Greenville, North Carolina, that they feel is enforceable with the available manpower. City Attorney Thumma read the following Sections of the ordinance

**Section 13-1-121 - Definitions**

(a) **Cruising** - is driving a motor vehicle on a street past as traffic control point, designated by a police officer, in a designated area under conditions in which traffic is congested at or near the control point, three (3) or more times within any two (2) hour period between 6:00 p.m. and 6:00 a.m. Passing the control point a third time under the same conditions stated herein shall constitute cruising and therefore a violation of this Section.

(b) **Designated Area** - shall mean the following area of the City of Harrisonburg, Virginia: the following streets and the area enclosed thereby, East Market Street between Reservoir Street and Cantrell Avenue; Cantrell Avenue between East Market Street and Reservoir Street; and Reservoir Street between Cantrell Avenue and East Market Street.

(3) **Traffic Control Point** - shall mean a reference point on a street in the designated area selected and marked by a police officer for the purpose of enforcing this Ordinance.

**Section 13-1-122 Cruising Prohibited**

No person shall cruise. For the purpose of this prohibition the person having care, custody or control of a motor vehicle shall be considered the person cruising regardless of whether that person was actually driving the motor vehicle.

For the purpose of this section the person having "care, custody or control of a motor vehicle" shall mean either the owner of said vehicle, if present in the vehicle at the time of the violation or, if the owner is not so present, the person or persons having the owner's express authority to use the vehicle.

**Section 13-1-123 Exclusions**

This Ordinance shall not apply to official emergency or police vehicles, licensed taxicabs or buses for hire, other business vehicles being driven for business purposes, and for residents of the designated area traveling to a specific destination.

City Attorney Thumma explained that he set it up as a class 3 misdemeanor, which means the fine would be between zero and \$500.00; and specifically put in that upon conviction, the minimum fine would be \$100.00, and that no part of the minimum fine can be suspended. Attorney Thumma noted that one of the problems in the past was that the Courts were fining persons only \$10.00 or \$15.00. Attorney Thumma suggested that if the ordinance is enacted, the Street Department put up signs designating the area. Council Member Shank asked why we are designating a

specific area. Attorney Thumma explained that, since this is the only area having a problem at this time, it is best to just designate this area. Captain Stroble noted that Chief Presgrave was under the impression the ordinance would cover a broader area also. Vice-Mayor Dingleline questioned if the ordinance could state that the designated area can be, at any point, moved to other areas of the City? Mr. Belman Maddox, Jr., Manger of the Pizza Hut on Carlton Street, stated that he had seen the problem progress slowly over the past few years, with a rise in alcohol consumption, vandalism and drug dealing. Mr. Maddox presented Council with a petition signed by his customers requesting an ordinance to cease the cruising and loitering on South Carlton Street. Mr. Maddox further stated that this problem is "killing his business", and after 9:00 on Friday and Saturday nights, he has no more family business. Council Member Shank offered a motion for the ordinance to be approved for a first reading with the added statement that the designated area can be moved to other areas of the City. The motion was seconded by Council Member Rhodes, and seconded by a unanimous recorded vote of Council.

✓ Correspondence was presented from City Treasurer Miller listing the following business licenses for 1987, with request that they be charged off the City records:

1953	Claxton Defense Supply Co., Inc.	264.75
2335	Clifford H. Davis	10.00
2323	G & D Construction	40.75
2131	James B. & Kendall Luttrell	550.75
2228	Rains International, Ltd. (Dutch Pantry)	255.98
822	Video Square, Inc.	231.05
2460	David Turner	81.50
2202	John Zackmann	40.75

On motion of Council Member Rhodes, seconded by Council Member Robinson, and a unanimous vote of Council, the City Treasurer was authorized to charge off the uncollectible licenses.

✓ City Manager Milam presented a request, from Water/Sewer Superintendent Yancey, to charge off \$159.12 considered uncollectible from the Plecker Construction Co. of Route 254 West Street Staunton. Vice-Mayor Dingleline stated that he would like the matter further investigated. City Attorney Thumma indicated he would check into the matter and see what can be.

✓ City Manger Milam presented a request, from City Engineer Wilcox, to charge off four advices as uncollectible in the total amount of \$21.10. Vice-Mayor Dingleline stated that as a matter of principle why Warner Cable owed the City money. City Attorney Thumma stated he would check these unpaid accounts also.

✓ Correspondence was presented from Mr. Lance Braun of Skyfire Pyrotechnical Displays Unlimited, requesting authorization to conduct a fire works display as part of the 1988, July 4th Extravaganza, being sponsored by WQPO Radio, First American Bank, and James Madison University on Saturday, July 2, 1988, at 9:00 p.m. at the Soccer Practice Field, just north of the JMU Convocation Center. It was noted in the letter that the display is to be the culmination of the day's family activities at JMU, in honor of Independence Day, and will consist of 25 minutes of both ground and aerial fireworks. It was also noted that the display will be insured by a \$100,000 liability insurance policy. In view of complaints from citizens of the loudness of the display last year, the letter stated that this year's display will feature fewer and "less loud" noisemaking aerial shells. Council Member Robinson offered a motion for permission to be granted for the July 2, 1988, display. The motion was seconded by Council Rhodes, and adopted by a unanimous vote of Council.

City Manager Milam presented the Employee's Handbook with request for

approval. Manager Milam noted that the largest change in the handbook is in the Sick Leave section where it states that an employee with five or more years of service who is separated from the City for any reason will receive pay for 1/4 of his/her accumulated sick leave up to a maximum of \$2,500. In the event of death, your estate will receive this payment. Manager Milam noted that this is similar to the State of Virginia provision. Manager Milam further noted that this provision was added to compensate employees who do not need or use their accumulated sick leave. Manager Milam noted that Mary Lou Bryan, Lt. Myers and Arlene Loker have already retired from the city this first six months and would be eligible for this payment, and three more employees are planning to retire by the end of the year. Council Member Rhodes asked if a statement is necessary in the sick leave section to state that it be retroactive to include those persons who have already retired? Manager Milam noted that two of the persons are still on the payroll. Council Member Rhodes then offered a motion that the sick leave policy be made retroactive to include all persons retiring in 1988 who are eligible for the compensation. The motion was seconded by Council Member Robinson and approved with a unanimous vote of Council. Manager noted no changes in the holidays, and only slight changes in the VSRS. Manager Milam further noted that Long Term Disability was not included in the handbook, explaining that currently the city is paying \$11.00 per month per employee, and he does not feel the city is getting anything its money's worth out of the policy. Manager Milam explained that he feels the policy should be dropped in view of other increased benefits offered employees. Manager Milam stated he is asking for approval of the handbook rather than an ordinance so changes can be made without having to have two readings. Vice-Mayor Dingleline offered a motion that the employee handbook be approved. The motion was seconded by Council Member Robinson and adopted with a unanimous vote of Council. Manager Milam noted that it is his intentions to bring the handbook back to Council on an annual basis. Manager Milam noted that he had been requested to include in the handbook the State of Virginia Conflict of Interest Manual, but did not at this point because he feels this manual mainly address City Council, boards and commissions.

↓ Manager Milam presented for Council's consideration of a first reading an ordinance repealing section 3-5-4 of the City Code relating to Holiday. Manager Milam noted that in view of approving the employee handbook, which covers employee holidays, he would like this outdated section of the City Code deleted. Council Member Rhodes offered a motion that the request for repeal of Section 3-

5-4 be approved for a first reading. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

↓ City Manager presented for Council's information the Needs Assessment Rockingham County Jail, and called on Council Member Shank to make further comments concerning the assessment. Council Member stated he did not have any further comments except to add that everything has gone smoothly, and right now they are in the process of choosing an architect. A question was raised concerning the 1980 population figure of 24,655 for the City of Harrisonburg quoted on Attachment 2. Manager Milam noted that this figures should either be changed or earmarked showing that the census figure for 1980 was approximately 19,600. Vice Mayor Dingleline raised a question concerning the statement on page 2 which states that the population projections do not include the student population at James Madison University and the projected population figures on Attachment 2. Vice-Mayor Dingleline stated the figure of 38,299 for the year 2010 does not seem very realistic without the student population at JMU. Council Member Shank indicated he would look into the matter.

↓ Manager Milam called on Assistant City Manager Baker to comment on the Tentative 1988-89 Construction Allocations and Six Year Improvement Program as well as transit. Assistant City Manager Baker called Council's attention to page 195 of the handout and reviewed the five road construction projects of the City of Harrisonburg. Assistant City Manager Baker further explained that Mr. Russell



Sauvager, from the Department of Transportation, has indicated that there is an additional \$200,000 to use in the six year program. Assistant Manager Baker noted that his, and Street Superintendent Baker's, recommendation would be to use this additional money to put signal lights at Vine and East Market Street, further noting that the City may have to spend some money on lane widening but the City already has the right-of-way in this area. Council Member Rhodes offered a motion that the additional monies be used to place signal lights at the intersection of Vine Street and East Market Street. The motion was seconded by Council Member Robinson and approved with a unanimous vote of Council.

↓ City Manager Milam called Council's attention to a letter received from the State Compensation Board stating approval of an increase in annual salary for Ms. Martha Harper, Deputy I, from \$13,537 to \$14,144 effective May 1, 1988; with notation that this approval is subject to approval by the City Council and notification of such approval to the Compensation Board. Council Member Robinson offered a motion for approval of the increase in annual salary for Ms. Harper. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council. City Manager Milam called attention to a letter received from the Commissioner of Revenue office concerning the hiring of a new clerk, starting salary of \$11,954, to be a part of the minutes also. Council Member Shank offered a motion for approval of this new position. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

↓ Manager Milam noted that a third request is from the City Treasurer to employ a full-time employee effective June 1, 1988, at an annual salary of \$11,842.00. Manager Milam noted that normally the States splits all these salaries on a 50/50 basis, and if the City Council can give approval, then it gives the City Treasurer more leverage when it is submitted to the Compensation Board. Council Member Robinson offered a motion for approval of a full-time employee at an annual salary of \$11,842. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

A request was presented from Gary Cook, Zoning Administrator, for approval of a supplemental appropriation in the amount of \$354.00, because of insufficient funds due to extensive legal notices and mailings. Council Member Robinson offered a motion for the appropriation to be approve for a first reading, and that:

\$354.00 chgd. to: General Fund - Realized Revenue (1303.06) Board of Zoning Appeals  
 90.00 approp. to: General Fund - 8104-5200.01 Communications  
 264.00 approp. to: General Fund - 8104-5413.01 Other Operating Expenses

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

↓ A request was presented from John H. Holsten, Superintendent of the Sanitation Department, for approval of a supplemental appropriation in the amount of \$360.00, to recover funds from auction of used equipment. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$360.00 chdg. to: Sanitation Fund (1901.01)  
 Recoveries & Rebates - Refer  
 to Advice #09804 - 4/11/88

360.00 approp. to: Sanitation Fund (3-8001.01)  
 City Landfill, Lease of  
 rental of equipment

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

↓ A request was presented from Street Superintendent, James Baker, for approval of a transfer of funds in amount of \$50,000.00, to supplement City share of the Community Block Grant, (Ridgeville Project). Council Member Robinson



moved that the transfer be approved,  
and that:

\$22,000 trans. from: (1-4102-7012.00) Work in  
Progress - Annexed Area  
28,000 trans. from: (1-4102-7012.01) Work in  
Progress - Annexed Area  
50,000 trans. to: Community Development  
Block Grant

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

↓ A request was presented from Water/Sewer Superintendent Yancey, for approval of a transfer of funds in amount of \$323,860.74 from the Water and Sewer funds in order to have funds for the Ridgeville Project. Council Member Shank moved that the transfer be approved, and that:

\$300,000.00 trans. from (4-8-85.01) Regional  
Sewer Authority  
14,860.74 trans. from (3-6-1010.01) Other  
Personal Services  
9,000.00 trans. from (3-7-7011.02) Work in  
Annexed Area  
323,860.74 trans. to Community Development  
Block Grant

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

↓ A request was presented from School Superintendent Hiner for approval of a transfer of funds in amount of \$43,000.00, from categories in the budget where the funds are not needed to categories where funds are needed to cover expected expenditures. Council Member Robinson moved that the transfer be approved, and that:

\$ 2,000 trans. from (2-1200-135.02) Comp. Admin. Sec.  
4,000 trans. from (2-1200-220.00) Travel Exp. Admin.  
Personnel  
2,000 trans. from (2-1200-299.00) Other Admin. Exp.  
1,000 trans. from (2-1200-319.00) Admin. Office Sup.  
1,000 trans. from (2-1200-326.00) Census survey rep.  
School food pro.  
4,000 trans. from (2-1204-310.00) School lunch subsid.  
Oper. & Maint. of  
School Plant  
7,000 trans. from (2-1205-311.00) Fuel - fixed charges  
3,000 trans. from (2-1206-213.01) Unemployment comp.  
11,000 trans. from (2-1206-295.00) Emp. contri. for  
fringe benefits  
Summer School  
7,500 trans. from (2-1207-134.01) Comp. Instru. Pers.  
School Textbk fund  
500 trans. from (2-1201-305.00) School textbooks  
2,500 trans. to (2-1201-299.00) Other instruct. costs  
3,000 trans. to (2-1201-305.00) Instructional supplies  
2,000 trans. to (2-1201-236.01) In service training  
Att. & health services  
4,500 trans. to (2-1202-199.00) Other Att. & health  
services-Fed. Programs  
4,000 trans. to (2-1209-403.00) Furniture & Equipment  
Pre school, handicapped  
700 trans. to (2-1211-134.00) Comp. Instruc. Personnel  
300 trans. to (2-1211-295.00) Employer contri. for  
fringe benefits.  
2,000 trans. to (2-1211-305.00) Instructional supplies  
Capital Outlay  
24,000 trans. to (2-1900-403.00) Furniture and equipment

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

↓ A request was presented from Street Superintendent Baker for approval of a supplemental appropriation in amount of \$1,481.20, to recover funds used in replacement of traffic detection loops damaged by Riddleberger Brothers at South Main Street and Warsaw Ave. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$1,481.20 chgd. to: (1-1901.01) Recoveries &  
Rebates - Refer to Advise  
#05140, Dated 2/17/88

1,481.20 approp. to: (1-4107-3004.05) Traffic  
Engineering Maintenance  
Replacement, Highway (AL)

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

↓ A request was presented from Street Superintendent Baker for approval of a supplemental appropriation in the amount of \$2,765.90, to recover funds from auction of used equipment. Funds to be used for equipment replacement. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$2,765.90 chgd. to: (1-1901.01) Recoveries &  
Rebates - see advice  
#09804 - 4/11/88

2,765.90 approp. to: (1-4102-7001.00) Street  
Inspection - Machinery  
and Equipment

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

↓ A request was presented from Street Superintendent Baker for approval of a supplemental appropriation in the amount of \$11,000.00, to cover extra street lights that have been added and maintenance costs. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$11,000 chgd. to General Unappropriated Funds  
11,000 approp. to (1-4104-5101.07) Arterial  
Street Lighting

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

↓ A request was presented from Director of Parks and Recreation Gilkerson in the amount of \$2,120.00, for settlement from City Attorney - reference Bart Kooshian for damages to #403 vehicle; sale of wood and lease payment for rental of land. Council Member Robinson offered a motion for the appropriation to be approved for a first reading, and that:

\$1,500.00 chgd. to (1-1502.01) Rental of  
Properties  
215.00 chgd. to (1-1901.01) Recoveries &  
Rebates  
405.00 chgd. to (1-1901.01) Recoveries &  
Rebates  
Parks & Playgrounds  
215.00 approp. to (1-7101-3004.03) Maint.  
& Repairs - Auto equip.  
405.00 approp. to (1-7101-5413.01) Other  
operating expenses

1,500.00 approp. to (1-7101-7013.01) Capital  
Outlay - Land improvements

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

↓ A request was presented from Chief of Police Presgrave for approval of a supplemental appropriation in the amount of \$15,655.98, to recover reimbursement from JMU for overtime and recover proceeds from sale. Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

\$15,655.98 chgd. to (1-1901.01) Recoveries &  
Rebates  
10,491.00 approp. to (1-3101-5400.01) Other  
Materials and Supplies  
5,164.98 approp. to (1-3101-1001.07) Special  
Police

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

↓ A request was presented from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$53,069.50, for Rockingham County's payment for Emergency Operations Center 01-01-88 to 06-30-88. Council Member

Robinson offered a motion for the appropriation to be approved for a first reading, and that;

\$53,069.50 chgd. to (1-1901.01) Recoveries & Rebates  
53,069.50 approp. to (1-3201-1001.06) Dispatchers

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

↓ For Council's consideration of a first reading, City Manager Milam read the following ordinance which amends and re-enacts Section 3-6-1(c) of the City Code, relating to Boards and Commissions:

**(c) The terms of office of members of all boards, commissions, councils, and authorities now in existence or hereafter created shall be limited to two (2) successive terms. For the purposes of this section, if a vacancy occurs on any board, commission, council or authority and if one-half (1/2) or more of the unexpired term remains to be served, then the serving of the unexpired term by the newly appointed member shall be considered the first full term, of the newly appointed member.**

Council Member Rhodes questioned the use of the word council in this section. Mayor Green and City Attorney Thumma explained that this does not apply to City Council. Vice-Mayor Dingleline offered a motion for the ordinance to be approved for a first reading. The motion was seconded by Council Member Rhodes, and adopted with a unanimous recorded vote of Council.

↓ City Manager presented for council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the City Code. City Attorney Thumma explained that this is something that is done every year when the General Assembly passes all the new statues and adopts any changes that the State adopts so that we are in compliance with the law. Council Member Rhodes offered a motion for approval of a first reading. The motion was seconded by Council Member Robinson and approved with a unanimous recorded vote of Council.

Mayor Green questioned how the installation of the new meters was going. Manager Milam replied that the workers were putting them in at the rate of one every two minutes; with the average per day being one every four minutes. City Auditor stated that the crews have 2000 meters in the ground, and they are waiting on a shipment of 2000 more, with a total of 8,300 to be installed.

Council Member Robinson expressed concern that Warner Cable had still not done any work on Smithland Road or Garbers Church Road and had promised installation by the end of May 1988.

Vice-Mayor Dingleline expressed concern over the vandalism in Woodbine Cemetery, and suggested that a street light be placed at the top of Bruce Street near Myers Avenue to help eliminate the problem. Mayor Green asked Captain Stroble to look into the problem of stones turned over in the Cemetery.

Council Member Robinson indicated he had received a nice letter from Winston Weaver in reference to green spaces; and also a letter from a gentlemen wishing to promote linear parks.

At 9:27 p.m. on motion of Council Rhodes, seconded by Council Member Robinson and a unanimous vote, Council entered an executive session to discuss personnel and legal matters.

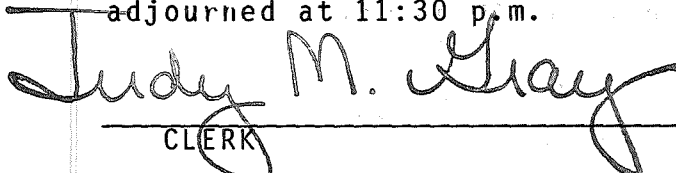
At 11:15 p.m. on motion duly adopted, the executive session was closed and the regular session reconvened.

↓ Inasmuch as Council's public hearing was held on May 24th to here 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 the second term of Carolyn Shank and the expiration of the first term of Ned Hillyard. Mayor Green noted that Carolyn Shank, having served two terms, is not eligible for reappointment. Council Member Robinson moved that Mr. Ned Hillyard, 90 Emery Street, be reappointed to serve a second term of

three years on the School Board to expire June 30, 1991. The motion was seconded by Council Member Rhodes and adopted by a unanimous vote of the Council. Council Member Shank offered a motion that Barbara T. Wheatley, of 511 Paul Street, be appointed to serve a first term of three years on the School Board to expire June 30, 1991. The motion was seconded by Vice-Mayor Dingledine, and adopted by a unanimous vote of the Council.

↓ In view of the resignation of Dr. Lillian P. Jennings, Vice-Mayor Dingledine offered a motion that a public hearing be held on June 28, 1988, to hear views of citizens within the Harrisonburg School District concerning the vacancy in the East School Ward, with the stipulation that the notice include in following statement: Pursuant to Section 22.1-29.1 of the Code of Virginia, 1950, as amended no nominee or applicant whose name is not considered at this public hearing shall be appointed as a School Board member. The motion was seconded by Council Member Rhodes and approved by a unanimous vote of Council.

There being no further business, and on motion duly adopted, the meeting was adjourned at 11:30 p.m.

  
CLERK

  
MAYOR

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

Minutes of the regular meeting held on June 14, 1988, were approved as corrected.

City Auditor Peterman explained that he did not have the Auditor's financial report for the month of May due to working on a new payroll system.

For Council's information, City Manager Milam presented a letter received from the Department of Transportation along with an audit certification report dated June 9, 1988, indicating that the City of Harrisonburg exceeded the total maintenance payment allocation for FY 86-87 by \$542,208. Manager Milam further explained that the total expenditures for street work were \$1,941,132, and the total allocated for highway maintenance was \$1,398,924, at a difference of \$542,208.

At 7:45 p.m., Mayor Green closed the regular session temporarily and called the evening's first public hearing to order. City Manager Milam read the following Notice of Public Hearing, advertised in the Daily News Record newspaper on Saturday, June 18th and Thursday, June 23rd:

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 29, 1988, at 7:30 p.m., in the Municipal Building, 345 South Main Street, Harrisonburg, Virginia.**

**The Harrisonburg City Council will receive the views of citizens within the Harrisonburg School District concerning the vacancy in the East School Ward. The School Board member's term will commence July 1, 1988, and be for an unexpired term to June 30, 1990.**

**Pursuant to Section 221-29.1 of the Code of Virginia, 1950, as amended, no nominee or applicant whose name is not considered at this public hearing shall be appointed as a School Board member.**

**Marvin B. Milam**

City Manager Milam read the following names of persons who presented resumes for consideration: John J. Broaddus of 144 Nelson Drive; Agnes M. Weaver of 247 Campbell Street; G. Edward Chappel, Jr., M. D. of 311 Paul Street; Dr. Robert Roberts of 261 Paul Street and Billy M. Walton of 818 Oakland Street. Mayor

Green called on anyone present desiring to be heard. There being no one wishing to be heard, the Public Hearing was declared closed and the regular session reconvened.

✓ At 8:00 p.m. Mayor Green called the evening's second public hearing to order. City Manager Milam read the following Notice of Public Hearing, advertised in the Daily News Record newspaper on Thursday, June 9th and Thursday, June 23rd:

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 28, 1988, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:**

**To rezone from R-2 Residential to B-2 "Conditional" Business approximately 15.5 acres of land on the south side of West Mosby Road. Requestor is J. R. Copper, Jr., representing Olin B. Landis, Charles and Douglas Funkhouser and Jan Scaglione. The conditions proffered by the applicants will limit future development to the following:**

**Governmental, business and professional offices and financial institutions; Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities; General services or repair shops permitted in the B-1 General Business District but without the limitation as to the number of employees; Pet shop or pet grooming establishment, and animal hospitals; Warehousing and other storage facilities with floor area limited to 20,000 square feet, which are contiguous to permitted uses in this district; Funeral homes; Accessory buildings and uses customarily incidental to any of the above listed uses.**

**The Harrisonburg Land Use Plan must be amended if this rezoning case is approved. All persons interested will have an opportunity to express their views at this public hearing.**

Planning Director Sullivan called attention to the block map of this particular area of the City, and explained the zoning of the land surrounding the 15.5 acres of land up for rezoning. Mr. Henry Clark, Attorney for J. R. Copper, called attention to a map outlining the area and noted that the area adjoins B-2 zoning on the east side, adjoins an existing apartment complex on one side, and on the other side is a very short distance from the City line. Mr. Clark indicated that all adjoining land owners have been contacted and presented Council with signed documents from most of the adjoining property owners agreeing to the rezoning. Mr. Clark indicated that Mr. Garber is concerned about the increased traffic flow this would cause in the area, and Mrs. Roxie Lee is concerned that her taxes will go up. Mr. Clark further explained that the proposed project was done under a conditional zoning request, and feels that the Planning Commission did not recommend approving the rezoning because commission members do not understand conditional zoning. Mr. Clark stated that conditional zoning means that there are conditions attached to the zoning that makes it different from other classifications within the same zone. Mr. Clark noted that in this case, the conditional zoning has eliminated those activities from the B2 which, in the developers opinion, would be noisy, create traffic problems and confusion; and further noted that this is a legitimate and logical development for this road which is the main line between Marvel and Cassco and for persons traveling from Bridgewater and Dayton to the south end of Harrisonburg. Mr. Clark stated that this is an orderly and normal extension of that part of town, and feels there is no way this property would be developed residential with the truck traffic and other existing conditions. Mr. Clark further stated that he considers a number of items in the zoning ordinance to be illegal, such as the requirement of a proposed plan of development to be stated by the City staff before the Commission reviews the said plan. Mr. Clark concluded in saying that this is a legitimate and good plan for commercial and business use and feels it is the only way the property will get developed. Mrs. Helen Hanson spoke in favor of the Planning Commission's recommendation to deny the rezoning. Mrs. Agnes Weaver read the definition of conditional zoning from the State Statute, and questioned "if Harrisonburg needs anymore orange (general business) on the

map." Mrs. Weaver further stated that there are "gobs" of business properties for sale in the City and therefore sees no reason for the rezoning. Mrs. Weaver concluded in stating that, in her opinion, this is spot zoning which is illegal. Mrs. Roxie Lee, adjoining land owner, indicated her main concern was what the rezoning would do to the value of her residential property. Mayor Green called on anyone else present desiring to be heard. There being no one, the public hearing was closed and the regular session reconvened. Mayor Green noted that this matter will be further discussed with the Planning Commission and the City Attorney.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

"...The Commissioners reviewed a map of the East Market Street-Vine Street-Country Club Road area, and heard from Mrs. Betty Curry, contractual owner of two dwellings located at 788 and 796 East Market Street. Mrs. Curry reported that a small business building is planned by Mr. Joseph Potz, if the two lots are rezoned to B-2 General Business. A preliminary plan was described, indicating an 80' x 60' business structure, parking for 38 vehicles and landscaping. Access will be from the old portion of East Market Street just north of the High's Store. The Director added that High's Store is currently zoned R-4 Planned Unit Residential, and it has been included in this rezoning case but no changes are planned regarding the High's Store. No one spoke against the rezoning application.

Following the hearing, Mr. Milam reported to the Commission that the State Highway Department will provide some funding and design assistance for the proposed traffic light and street improvements at the East Market-Vine Street intersection. However, these improvements may be over a year or two away. Mr. Hughes then offered a motion for the Commission to recommend rezoning the properties at 788, 796 and 798 East Market Street from residential zoning to B-2 General Business. Mr. Heath seconded the motion and the motion passed unanimously..."

Planning Director Sullivan explained that this matter requires a Public Hearing by City Council. Council Member Rhodes offered a motion that a Public Hearing be set for July 26, 1988. The motion was seconded by Vice-Mayor Dingledine and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 18, 1988:

"... The Commission received comments from Mr. Steve Knickrehm of J.M.U. regarding the University's request that the City close 200' of a 15' alley located between Anthony-Seeger Hall and four dwellings on Patterson Street, owned by J.M.U. Mr. Knickrehm explained that the University needs to place communication cables and related mechanical facilities across the 15' alley. The four Patterson Street dwellings are being converted to office use.

No one spoke against the alley closing proposal. Mr. Rhodes moved and Mrs. Shapiro seconded his motion from the Commission to recommend closing 200' of the alley, located between Anthony-Seeger and 171, 177, 183 and 198 Patterson Street, and that a Board of Viewers be appointed to study and report their findings. The motion passed unanimously.

Planning Director Sullivan called Council's attention to the attached map stating that the recommendation is not to close the entire alley, but the 200 feet from the railroad heading eastward behind the four houses on Patterson that JMU recently purchased and is using for offices. Planning Director Sullivan further noted that a Board of Viewers will have to be appointed. Vice-Mayor Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Robinson, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

"... Surveyor Thomas Lincoln of Charlottesville presented revised copies of his Final Plat for Woodland



Subdivision, Phase I, located on the west side of Reservoir Street near Mabel Memorial Church. The Commission and City Council approved Phase I in March 1988, but Mr. Lincoln explained that the developers had not recorded the plat due to some concern about the size of two lots and some additional utility easements requested by the City. He also noted that some of the wording has been changed on pages 1 and 2. The revised layout will have eleven instead of twelve lots on White Oak Circle, and 19 lots will face Woodland Drive. The development will be primarily duplex housing units and a couple triplex units.

Mr. Heath concluded the review with a motion for the Commission to recommend approval of the revised Final Plan of Woodland Subdivision, Phase I. Mr. Milam seconded the motion and all members voted in favor, with Chairman Trobaugh abstaining..."

Planning Director Sullivan called Council's attention to a large overall map showing the subdivision which is located just off of Reservoir Street near Mabel Memorial Church. Mr. Tom Lincoln, land surveyor from Charlottesville, called Council attention to revisions that were mailed out on Friday and indicated he was present to answer any questions of the Council. Planning Director Sullivan further stated that the plat was approved in March and the owners have made a few minor changes which include reducing the number of lots by one and the addition of a couple of easements. Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved plus the amendment that was delivered on June 28, 1988. The motion was seconded by Council Member Shank and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

"... The Commissioners studied a map drawn by Surveyor Bobby Owens, illustrating the proposed resubdivision of Lots 8, 9, and 10 in Unit 1 of Willow Hills Subdivision. The Director reported that Mr. Kirk Hardy owns the lots and desires to construct three duplex houses. They will be on the north side of Rex Road and existing storm water and utility easements will not be disturbed by the development of duplexes. Also, the lots will be larger than the minimum size requirements under the amended Zoning Ordinance.

Mr. Hughes moved and Mrs. Shapiro seconded his motion for the Commission to recommend approval of the resubdivision of Lots 8, 9, and 10 in Unit 1 of Willows Hills. The motion passed unanimously..."

↓ Planning Director Sullivan explained that these three lots were laid out several years ago and that the zoning is R-2 which has attracted single family homes as well as duplexes. Planning Director Sullivan further explained that Mr. Hardy, who owns the three lots, wishes to subdivide in order to build duplexes. Planning Director Sullivan noted that the square footage is well above the minimum requirement of the R-2 text, and that they will be on the north side of Rex Road and the existing storm water and utility easements will not be disturbed. Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Robinson, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

"... Mr. J. R. Copper described the proposed Final Plat of a resubdivision of Lot 5 in the J. P. Effinger Extension, owned by Dr. Steve Saunders and located at 374 East Market Street. Dr. Saunders desires to add a 5' x 155' strip of land (proposed Lot 5B) to Lot 6 which is located east of Lot 5B. A recently constructed brick sidewalk has been located within proposed Lot 5B as part of the remodeling of a dwelling on Lot 6 and Dr. Saunders desires to sell the dwelling with the brick sidewalk included. Note #2 on the plat says that "Lot 5B as shown hereon is to be added to the adjoining lot owned by Steven L. Saunders."

Mr. Heath moved and Mr. Hughes seconded his motion, for the Commission to recommend approval of the resubdivision of Dr. Saunders' Lot 5 at 374 East Market Street, providing that

**Lot 5B becomes part of Lot 6 located on the east side. The motion passed unanimously..."**

Planning Director Sullivan explained that there is a newly remodeled house on the east side of Dr. Saunders office, and Dr. Saunders wishes to convey a brick sidewalk, that has been placed within a five foot side strip of land, to the house. Planning Director Sullivan further explained that this action will not upset anything as to entrances and exists into Dr. Saunders' Office. Vice-Mayor Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Robinson and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

**"...Mr. Robert Frazier described to the Commissioners his desire to give a 1.61 acre parcel of land to his son. The parcel fronts the south side of Betts Road, approximately 250 feet east of Fairway Hills. It is zoned R-1 Single family Residential and Mr. Frazier desires to build a home on the parcel. He is aware of the distance to nearby City water and sewer lines, and realizes he may have to install a septic tank until the time public sewer lines are available.**

**Mr. Health moved and Mr. Hughes seconded his motion to recommend approval of the Frazier Lot on Betts Road. The motion passed unanimously..."**

Planning Director Sullivan called Council's attention to the attached maps, stating that the corner of this area is 250 feet east of the last lot in Fairway Hills subdivision. Council Member Rhodes offered a motion to approved the recommendation of the Planning Commission. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

**"...The Commissioners studied the proposed Final Plat of Deyerle Subdivision, Section 20. Mr. Bill Neff told the Commission the proposed one-acre lot will be on the southwest corner of Evelyn Byrd Ave. and Mall Street. Mr. Neff added that these streets are under construction and will be completed by July 31, 1988. Mrs. Shapiro suggested renaming Mall Street to "Neff Boulevard." Mr. Rhodes offered a motion, seconded by Mr. Hughes, for the Commission to recommend approval of Deyerly Subdivision, Section 20. The motion passed unanimously..."**

Planning Director Sullivan noted that the Commission sees no problem in creating this one-acre corner lot. Council Member Robinson offered a motion to approve the recommendation of the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

**"...Mr. J. R. Copper described a proposed Final Plat of Blue Stone Hills Subdivision, Section 1-A. The 1,700 x 60' strip of land is located adjacent to the southern boundary of Blue Stone Hills, Section 1. The purpose of Section 1-A is to add depth to Lots 1 through 14 of Section 1. The strip of land, owned by Joseph & Irma Potz, will be sold to Blue Stone Hills Land Company. Lots 1 through 14 will be enlarged accordingly. Mr. Sullivan noted that underground electric lines have already been installed along the existing lot lines of Section 1, and the developers need to make sure future home owners and builders are aware of this.**

**Mr. Hughes moved for the Commission to recommend approval of Blue Stone Hills Subdivision, Section 1-A, subject to each lot being sold only to the adjacent lots in Section 1. Mr. Heath seconded the motion, and all members votes in favor..."**

Planning Director Sullivan called Council's attention to the large overall map of Blue Stone Hills. Mr. J. R. Copper explained that all they are proposing to do is to add 60 feet of dept to lots 1-14 in Section I. Mr. Copper further

noted that they will be conveyed directly from the present owners to the individual lot owners, and Blue Stone Hills will not be involved.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

**"...The Commissioners reviewed a plat by Brunk Engineering, showing the resubdivision of Lots 11 & 12 in Section 1 of Blue Stone Hills Subdivision. The lots are on the south side of Diamond Court. A 20' x 163' strip of Lot 11 is to be added to Lot 12. The proposed change has been agreed to by the owners of Lots 11 and 12.**

**Mr. Rhodes moved and Mr. Hughes seconded his motion for the Commission to recommend approval of the resubdivision. The motion passed unanimously..."**

Planning Director Sullivan stated that lots 11 & 12 are located close to the end of Diamond Court, noting that lot 12 is being widened by an additional 20 feet of frontage thus reducing lot 11 by a small amount. Planning Director Sullivan further noted that a small triangular private easement is going in over lot 11 for access to lot 12. Vice-Mayor Dingleline offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Robinson, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

**"...Mr. J. R. Copper described the revisions requested in Section 3 of Blue Stone Hills Subdivision. First the length of Emerald Drive east of Crystal Lane need to be shortened by 100' and second, an existing water line easement wasn't shown on the plat submitted and approved in March. Mr. Copper explained that the old water line and easement will be vacated when a new line is installed. Emerald Drive has not been constructed yet, thus reducing it by 100' will not cause any hardship.**

**Mr. Rhodes moved and Mr. Hughes seconded his motion for the Commission to recommend approval of Blue Stone Hills Subdivision, Section 3-A Revised. The motion carried..."**

Planning Director Sullivan called Council's attention to the overall map, explaining that the developer wants to reduce the length of part of Emerald Drive, and second that an existing water line and easement wasn't shown on the plat submitted and approved in March. Planning Director further noted that the old water line and easement will be vacated when the new line is installed. Council Member Shank offered a motion to approve the recommendation of the Planning Commission. The motion was seconded by Council Member Robinson, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

**"...Under other matters, Mr. John Driver requested the Commission to recommend acceptance of revised plans for "Corporate Drive," to be built across the Sellers property on the west side of South Main Street near Pike Church Road. Mr. Driver noted that the owner will dedicate a 60' right-of-way and will build a 30' paved road with curb and gutter. He added that the State Highway Department requires the 60' width and City Staff had requested 60' also, because the land is zoned B-2 General Business. The request had been tabled in May.**

**Mr. Hughes moved, and Mr. Rhodes seconded his motion for the Commission to recommend approval of the revised plans for "Corporate Drive." The motion carried..."**

Planning Director Sullivan called Council's attention to a large map and explained that this is a proposed road to be built for future business development that would run from South Main west to Route 701 across the Sellers property. Planning Director Sullivan noted that conferences had been held with City staff, the developer, and the State Highway Dept. to understand the requirements for anything built in the County. Mr. John Driver noted that having

to deal with two different political subdivisions has caused a great deal of hardship on the property owners. Mr. Driver further noted that for future annexations, the judges should be requested to place the line on the property lines. Council Member Robinson offered a motion to approve the recommendation of the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of the Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

**"...Under other matters, the Director distributed copies of an owner's consent and dedication regarding a 65' x 123' lot on the east side of Harrison Street which is owned by Mr. Harry Flipppo's Shenandoah Investment, Inc. In 1978, the lot was surveyed and formed by combining portions of Lots 65, 66, 67, 27, 28 and 29 of the John P. Burke Addition. However, the plat, drawn by Hill and Shiflet, was never officially approved by the City. A duplex apartment structure has been built on the lot, and Mr. Flipppo now desires to sell the duplex. He needs the City's approval of the 1978 plat."**

**Mr. Heath moved and Mr. Milam seconded his motion to recommend approval of the lot. The motion passed unanimously..."**

Planning Director Sullivan explained that basically the owner needs official approval by City officials on the 1978 plat of a lot on Harrison Street which was never officially approved. Council Member Robinson offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

**"...Mr. J. R. Copper reviewed a revised layout of Holiday Hills Subdivision, Section 11. Ken Kline Realty, Inc. is the owner/developer of the proposed 9-lot single family subdivision. The lots will be on Waterman Drive extended, which will terminate in a cul-de-sac. The City will have to construct 150' of Waterman Drive from Taliaferro Drive to Mr. Kline's property, since that portion of Waterman Drive was dedicated to the City in the late 1950's. Mr. Copper reported that a 20' drainage and utility easement exists on Lots 1 & 2 and a sanitary sewer line will tie in with the sewer system in Mt. Clinton Pike and Virginia Avenue. If necessary, a holding pond can be placed in the rear portion of Lot 2. The Director suggested increasing the width of Lots 8 & 9 and Mr. Copper said this probably could be done without harming lots 5, 6 & 7. Concern was also expressed that Waterman Drive has 80' of right-of-way and the proposed plan has a 50' width."**

**Mr. Heath concluded the discussion with a motion for the Commission to recommend approval of Holiday Hills Subdivision, Section 11 Revised, providing the owner give consideration to improving Lots 8 & 9 and the street construction and drainage plans be accepted by the City. Mr. Rhodes seconded the motion. The motion carried, with Mr. Milam abstaining..."**

✓ Planning Director Sullivan noted that this 9-lot single family subdivision is in the northern 1/2 of Holiday Hills which is served by an extension of Waterman Drive to a dead end. Planning Director Sullivan noted that the owner was requested to enlarge the size of lots 8 and 9, which they did. Mr. J. R. Copper stated that all the issues raised by City staff have been addressed noting that a small detention pond will be placed on the back of Lot 2. Mr. Copper further noted that all question raised concerning the separation of water and sewer lines have been taken care off. Following discussion Vice-Mayor Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Robinson and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on June 15, 1988:

**"...Chairman Trobaugh asked the Director to summarize the Permit Parking Study Committee's findings. Mr. Sullivan**

referred to the committee's report, which gave background of what the committee received from the public and the conclusions reached. He read these 5 recommendations from the Permit Parking Study Committee:

1. Although the Eastover/Preston Heights areas have no current permit parking problems, the committee felt that we should continue to have the permit parking ordinance in these areas as assurance for future growth.
2. The existing color coding system should continue. A change to different colors for different areas creates problems for the police force, is costly administrative-wise, and in other areas has proven to be more confusing than effective. The police force and the treasury office need consistency and color coding would be a very cumbersome alternative for those enforcing such a system. A possible solution to controlling permit parking areas would be to add a type of alphabet system to the existing color coding system. An example of this would be to have the three areas designated with a large "A", "B", "C", and this would allow for a growth change if the need arises.
3. All permit parking areas have three yearly exempt days.
  - A. Parents Weekend - Oct. 22, 1988
  - B. Homecoming Weekend - Nov. 5, 1988
  - C. Graduation - May 7, 1989
4. A better communication system between JMU students and the City of Harrisonburg would perhaps alleviate some of the permit parking problems. Much of the problem is caused by ignorance and the police dislike giving tickets to new students because they have not been informed. JMU has a well attended convocation orientation program every fall and perhaps a city official like Vice Mayor Dingledine could speak at this school wide event welcoming the students to our city and asking for cooperation in matters such as permit parking etc. The city could also provide a map of the permit parking areas or have a map of these areas put into the JMU newspaper a couple of times in the beginning of the school year.
5. Reassess these problems in six months to a year, particularly if some of the above suggestions are put into effect. Because we now have an official Zoning Administrator, Mr. Gary Cook, some of these problems may be alleviated when zoning violations are discovered and enforced. Mr. Cook is looking into the legality and possibility of a system that allows so many cars on a street for safety reasons, and a plan of how to make landlords responsible for permit parking stickers.

Chairman Trobaugh suggested the five points be forwarded to the City Council, adding that no major changes are being recommended. Mr. Marshall Price, 279 Newman Ave., asked that the lower half of the 200 block of Newman Ave. be officially added to the Permit Parking District. He and other property owners between Mason Street and the alley just east of Mr. Price's home have been purchasing permit parking stickers for the past 4 or 5 years and the City placed signs in the lower half of the 200 block when the district was expanded to include Newman Ave.

Mr. Rhodes concluded the discussion with a motion for the Commission to recommend to City Council that it endorse the committee's report and add the lower half of the 200 block of Newman Ave. to the Permit Parking District. Mr. Hughes seconded the motion and it passed, with Mr. Milam abstaining...

Planning Director Sullivan reviewed the five recommendation of the Permit Parking Study Committee, and concluded in saying that the Planning Commissions' recommendation is for City Council to endorse the committee's report and add the lower half of the 200 block of Newman Avenue to permit parking. Mr. Marshall Price asked that the south side of Newman Ave. have permit parking also. Mayor Green asked that this matter be put back on the agenda for the next City Council meeting since the third recommendation requires an amendment to the ordinance. Dr. Shank asked how the permit parking would be handled during the exempt days. Chief Presgrave explained that a temporary sign would be put up indicating what period of time permit parking would not be enforced. Following further

discussion, Mayor Green again noted that this matter will be placed on the agenda for the next City Council meeting.

✓ In reference to the request for a residential handicapped parking space on Shenandoah Avenue from Mr. Arthur Richmond; City Attorney Thumma explained that his recommendation, along with the Chief of Police, and Assistant City Manager Baker, is not to put in a handicapped parking space because the property has three driveway entrances which Mr. Richmond can park in front of since he owns the property.

✓ City Manager Milam presented correspondence from the Columbia Gas Company requesting permission to excavate South Dogwood Drive for a gas transmission main to Dayton, Bridgewater and Shenandoah's Pride, which is in Mt. Crawford, along with the franchise ordinance which expired on January 15, 1987. Manager Milam explained that Street Superintendent Baker, and Water/Sewer Superintendent Yancey are very concerned about the gas line being located on the west side of Dogwood Drive between the curb and houses. Manager Milam further explained that Street Superintendent Baker suggested to the Gas Co. that perhaps the City would consider the use of South High since South High will be reconstructed starting next year. Manager Milam went on to say that after City staff members met and discussed the possibility of South High, they believe it would pose severe problems because of the reconstruction of water, sewer and storm lines. Manager Milam stated that city staff would like the opportunity to find another location for the gas lines. Manager Milam noted that he had met with Mr. Matthews and Tom Aldhizer and had explained to them that no permits would be issued for gas lines until the franchise was renewed in some manner by City Council. Manager Milam also asked Columbia Gas to look for other locations, but noted they seem determined to go down Dogwood Drive. Manager Milam noted that it was suggested to Columbia Gas to find a more open space such as going west out Market Street to almost the Middle School and following the powerline easement or going a little further to the Lineweaver property and following the stream. Mr. John Matthews explained that in 1980 Columbia Gas received approval from City Council for the western loop, which purpose was to boost the current supply to the entire south end of town, and at that same time provision was left at the corner of Dogwood and New York Ave., where the line turns and heads towards High and Main Street, to further carry that loop around the western side of town at what ever time that may be necessary. Mr. Matthews explained that essentially that is where they are now, and ultimately the line in question will come back on the north side down Route 11 towards Harrisonburg. Mr. Matthews further explained that alternate routes have been investigated and all seem to have major problems. Mrs. Helen Hanson explained that she, and several other citizens, are very concerned about the danger of a pipeline in a residential neighborhood and feels it does not fit in with preserving the quality of life in the neighborhood. Mayor Green suggested City staff meet with Columbia Gas officials, and for the City Attorney and City Manager to bring back a recommendation to Council.

✓ City Manager Milam presented for Council's consideration of a second and final reading the ordinance enacting Title 13, Chapter 1, Article E. of the Harrisonburg City Code relating to cruising, a first reading having been approved on June 14, 1988. City Attorney Thumma explained that the only change made to the ordinance since the first reading was the addition of one sentence in Section 13-1-120 which reads: Designated areas, as defined below shall be added as the needs and conditions in the future dictate. Council Member Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council. (Ord. Bk. 4, page 157)

✓ City Manager Milam presented for Council's consideration of a second and final reading the ordinance repealing section 3-5-4 of the City Code relating to Holidays, a first reading having been approved on June 14, 1988. Vice-Mayor

Dingledine offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Robinson, and approved with a unanimous recorded vote of Council. (Ord. Bk. L, page 154)

✓ City Manager Milam presented for Council's consideration of a second and final reading the ordinance amending and re-enacting Section 3-6-1(c) of the City Code, relating to Boards and Commissions, two terms, a first reading having been approved on June 14, 1988. Council Member Shank offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council. (Ord. Bk. L, page 155)

✓ City Manager Milam presented for Council's consideration of a second and final reading the ordinance amending and re-enacting Section 13-1-3 of the City Code, Adoption of State Law, a first reading having been approved on June 14, 1988. Vice-Mayor Dingledine offered a motion for the ordinance to be approved for a second and final reading. The motion was seconded by Council Member Robinson, and approved with a unanimous recorded vote of Council. (Ord. Bk. L, page 156)

✓ Council Member Shank moved that a supplemental appropriation in the amount of \$1,481.20, requested by Street Superintendent Baker to recover funds used in replacement of traffic detection loops damaged by Riddleberger Brothers at South Main Street and Warsaw Ave. be approved for a second and final reading, a first reading having been approved on June 14, 1988, and that:

\$1,481.20 chgd. to: (1-1901.01) Recoveries &  
Rebates - Refer to Advise  
#05140, Dated 2/17/88  
1,481.20 approp. to: (1-4107-3004.05) Traffic  
Engineering Maintenance  
Replacement, Highway, (AL)

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 the amount of \$2,765.90, requested by Street Superintendent Baker to recover funds from auction of used equipment be approved for a second and final reading, a first reading having been approved on June 14th, and that:

\$2,765.90 chgd. to: (1-1901.01) Recoveries &  
Rebates - see advice  
#09804 - 4/11/88  
2,765.90 approp. to: (1-4102-7001.00) Street  
Inspection - Machinery and  
Equipment

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 the amount of \$11,000.00, requested by Street Superintendent Baker to cover extra street lights that have been added and maintenance costs be approved for a second and final reading, a first reading having been approved on June 14th, and that:

\$11,000 chgd. to General Unappropriated Funds  
11,000 approp. to (1-4101-5101.07) Arterial  
Street Lighting

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 the amount of \$2,120.00, requested by Director of Parks and Recreation Gilkerson for settlement from City Attorney - reference Bart Kooshian for damages to #403 vehicle; sale of wood and lease payment for rental of land be approved for a second and final reading, a first reading having been approved on June 14th, and that:

\$1,500.00 chgd. to (1-1502.01) Rental of Properties  
215.00 chgd. to (1-1901.01) Recoveries & Rebates  
405.00 chgd. to (1-1901.01) Recoveries & Rebates  
Parks and Playgrounds  
215.00 approp. to (1-7101-3004.03) Maint. & Repairs  
Auto Equipment



405.00 approp. to (1-7101-5413.01) Other Operating  
Expenses  
1,500.00 approp. to (1-7101-7013.01) Capital Outlay  
Land improvements

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 the amount of \$15,655.98, requested by Chief Presgrave to recover reimbursement from JMU for overtime and recover proceeds from sale be approved for a second and final reading, a first reading having been approved on June 14, and that:

\$15,655.98 chgd. to (1-1901.01) Recoveries and Rebates  
10,491.00 approp. to (1-3101-5400.01) Other materials  
and Supplies  
5,164.98 approp. to (1-3101-1001.07) Special Police

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

✓ Council Member Rhodes moved that a supplemental appropriation in the amount of \$53,069.50, requested by Fire Chief Shifflett for Rockingham County's payment for Emergency Operations Center 01-01-88 to 06-30-88, be approved for a second and final reading, a first reading having been approved on June 14th, and that:

\$53,069.50 chgd. to (1-1901.01) Recoveries and Rebates  
53,069.50 approp. to (1-3201-1001.06) Dispatchers

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

✓ City Manager Milam called Council's attention to a letter received from Rockingham County concerning the employment of an architect for the jail project. City Manager Milam read the following sentence contained in the letter: Following the interviews and re-interviews, the Needs Assessment Team unanimously recommends to the governing bodies of Rockingham County and the City of Harrisonburg the firm of Henningson, Durham and Richardson, Inc., of Alexandria, Virginia, to be retained to provide architectural services for the jail project. City Manager Milam further explained that the estimated cost for initial planning will be \$50,000, and the City of Harrisonburg's share will be about 36%. Council Member Rhodes offered a motion that the firm of Henningson, Durham and Richardson be approved as architects for the jail project. The motion was seconded by Vice Mayor Dingleline, and approved with a unanimous vote of Council.

Council Member Robinson questioned if any response had been received from Warner Cable. City Manager Milam explained that he had spoken with Bill Wright, and Mr. Wright indicated that they were scheduled to start work right-a-way on Smithland Road.

Council Member Robinson registered a complaint he received from several citizen concerning the noise early in the morning from the crews installing the new water meters.

Vice-Mayor Dingleline stated a citizen had expressed concern over the decline in the display of American Flags downtown on the 4th of July.

Council Member Robinson noted that a citizen had questioned why the permit parking signs were removed on Harrison Street.

At 10:00 p.m., on motion of Vice-Mayor Dingleline, seconded by Council Member Rhodes and a unanimous vote, Council entered an executive session to discuss personnel and legal matters.

✓ Mayor Green asked members' wishes concerning two appointees to serve on the Harrisonburg Industrial Development Authority, in that the first terms of Mr. William B. Gunn and Mrs. Frances Miller, had expired as of April 24, 1988. On motion of Vice-Mayor Dingleline, seconded by Council Member Robinson, and a unanimous vote of Council, Mr. Gunn and Mrs. Miller were reappointed to the Industrial Development Authority for second terms of four (4) years each,

expiring April 24, 1992.

✓ Mayor Green asked member's wishes concerning an appointment to serve on the Harrisonburg-Rockingham Community Services Board (Chapter 10), in that the first term of Mrs. Mary G. Morris will expire July 1, 1988. On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, Mrs. Mary G. Morris was reappointed to the Harrisonburg-Rockingham Community Services Board for a second term of three years, expiring July 1, 1991.

✓ Mayor Green reminded members of a vacancy which had been created on the Harrisonburg Board of Zoning Appeals through the resignation of Mr. William L. Blair due to health reasons, and asked their wishes concerning a recommendation. Council Member Rhodes offered a motion that Mr. Edward E. Hughes, Jr. of 716 Hickory Hill Drive, Harrisonburg, be recommended to fill the unexpired term to March 20, 1992 (to be considered Mr. Hughes' first term.) The motion was seconded by Vice-Mayor Dingledine, and approved by a unanimous vote of Council.

✓ Mayor Green noted that a letter of resignation from the Alcohol Safety Action Program (ASAP) was received from Dr. Wayne E. Engel. Council Member Rhodes offered a motion that the resignation of Dr. Engel be accepted, and a letter of appreciation be sent to him. The motion was seconded by Vice-Mayor Dingledine and approved with a unanimous vote of Council.

✓ Mayor Green reminded Council that it will be necessary to appoint a Board of Viewers to review the closing of 200' of a public alley between Anthoney-Seeger Hall and Patterson Street. Council Member Rhodes offered a motion that the following persons be appointed to the Board of Viewers: Nelson Liskey, John Byrd, Sr., Wilmer Byrd, Sr., and Bob Brumback. The motion was seconded by Council Member Robinson, and approved with a unanimous vote of Council.

City Manger Milam announced that there will be a special re-organizational meeting held on Friday, July 1, 1988.

There being no further business, on motion duly adopted, the meeting was adjourned at 11:30 p.m.

Judy M. Gray  
CLERK

Walter F. Green  
MAYOR

✓ **Reorganization Meeting**  
**Friday, July 1, 1988**

At a Reorganization Meeting held in the Council Chamber today at 10:00 a.m. there were present: City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Council Members Walter F. Green, 3rd, Raymond C. Dingleline, Jr., Elon W. Rhodes, Curtis F. Kite and Dr. Charles L. Shank; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: City Clerk Judy M. Gray.

The following Special Meeting Call, was presented:

**An emergency existing, there will be a special meeting of the City Council required by Section 42 of the City Charter, to be held in the Council Chamber on Friday, July 1, 1988, at 10:00 a.m., to consider the following matters and take necessary action thereon:**

- 1. Call to order**
- 2. Oath prescribed by Law, Section 42 of the City Charter:**  
**Dr. Raymond C. Dingleline, Jr., Mr. Curtis F. Kite, Mr. Elon W. Rhodes.**
- 3. Re-organization of City Council:**
  - a. Election of MAYOR, 2 year term Section 7 City Charter**
  - b. Election of VICE-MAYOR, 2 year term Section 7**

**City Charter**

- c. Appoint CITY MANAGER, Sections 37 and 38 City Charter
- d. Appoint CITY CLERK, City Code Section 3-3-1
- e. Appoint CITY ATTORNEY, City Code Section 3-2-1
- f. Appoint CITY AUDITOR, City Code Section 4-1-51
- g. Designate DEPUTY CITY AUDITOR, City Code Section 4-1-52
- h. Appoint COLLECTOR OF DELINQUENT TAXES, City Code Section 4-1-41
- i. Appoint one member of Council to Planning Commission, City Code Section 10-1-2(c)

**4. Other Matters.**

Philip Peterman, acting Clerk, reported that he was in receipt of Oaths of Office, duly taken by Dr. Raymond C. Dingleline, Jr., Mr. Curtis F. Kite and Mr. Elon W. Rhodes.

Under Item 3 of today's agenda, "Re-organization of City Council (sections a thru i), the following actions were taken:

City Manager Milam entertained a nomination for Mayor of the City of Harrisonburg. Council Member Dingleline said he was privileged to nominate Dr. Walter F. Green, 3rd, who has demonstrated genuine leadership and commitment to the interests of the City of Harrisonburg and its citizens, for re-election as Mayor of the City of Harrisonburg for a 2-year term expiring 6/30/90, under Section 7 of the City Charter. The motion was seconded by Council Member Rhodes, and adopted by a majority vote of Council. Dr. Green abstaining.

Mayor Green expressed appreciation for the support of the Council Members, and proceeded to preside over the remainder of the meeting.

Council Member Rhodes moved that Dr. Raymond C. Dingleline, Jr., be re-elected to serve as Vice-Mayor of the City of Harrisonburg for a term of two years, expiring 6/30/90, under Section 7 of the City Charter. The motion was seconded by Council Member Shank, and adopted by a majority vote of Council. Dr. Dingleline abstaining.

Council Member Rhodes praised Marvin B. Milam for his excellent performance as City Manager and offered a motion that he be reappointed for a term of two years, expiring 6/30/90. Mayor Green noted that this was just a matter of formality since Mr. Milam was appointed for a term of four years on July 1, 1986. The motion was seconded by Vice-Mayor Dingleline, and adopted by a unanimous vote of Council.

On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, Mrs. Judy M. Gray was appointed as City Clerk for a term of two years.

On motion of Vice-Mayor Dingleline, seconded by Council Member Kite, and a unanimous vote of Council, Mr. Earl Q. Thumma, Jr., was reappointed as City Attorney.

On motion of Council Member Shank, seconded by Council Member Rhodes, and a unanimous vote of Council, Mr. Philip L. Peterman was reappointed to serve as City Auditor for a term of two years.

Based on a recommendation by the City Auditor, Vice-Mayor Dingleline offered a motion for Mrs. Gloria Olivas to be designated to continue serving as Deputy Auditor. The motion was seconded by Council Member Kite, and adopted by a unanimous vote of Council.

Council was reminded that the present two year term of Delinquent Tax Collector, held by City Treasurer Beverly S Miller, will expire as of December 31st of this year. Council Member Rhodes moved that Mrs. Miller be reappointed to serve as Delinquent Tax Collector for the City of Harrisonburg, beginning 12/31/88 and expiring 12/31/90. The motion was seconded by Council Member Shank, and adopted by a unanimous vote of Council.

Vice-Mayor Dingledine stated that in view of the fine job Council Member Rhodes has done in representing Council on the City Planning Commission, he would offer a motion for Mr. Rhodes to continue serving in that capacity. The motion was seconded by Council Member Kite and adopted by a majority vote of Council. Mr. Rhodes abstaining.

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 10:11 a.m.

Judy M. Gray  
CLERK

Stacie F. Jones  
MAYOR

**Regular Meeting**  
**Tuesday, July 12, 1988**

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr; Clerk Judy M. Gray; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon Rhodes, Charles L. Shank, Curtis F. Kite; City Auditor Philip L. Peterman and Chief of Police Richard W. Presgrave. Absent: none.

Minutes of the regular meeting held on June 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 June, 1988.

From the City Treasurer:

A trial balance report for the month of June, 1988.

From the Police Department:

A report of Fines and Costs collected - \$2,939.91; Cash collected from street parking meters - \$7,047.33; total cash collected during the month of June, 1988 paid on accounts and turned over to the City Treasurer - \$9,987.24.

From the City Auditor:

A report of cash discounts saved in the payment of vendor's invoices from the month of June, 1988, in the total amount of \$279.07.

From the Department of Utility Billing:

A report of water, sewer & refuse accounts; meters read; installations; cut delinquents; complaints; re-reads, etc. for the month of June, 1988.

✓ City Manager Milam called on Betsy Knighton, Executive Director of the Harrisonburg - Rockingham Community Services Board for a report. Ms. Knighton explained that she will be resigning her position as Executive Director effective Friday, July 15, 1988, and thanked City Council for their support of the Community Services Board during her eleven year tenure. Ms. Knighton said it had been a privilege to work with Council and Mr. Milam and see the many services that have become available to Harrisonburg and Rockingham County. Ms. Knighton distributed copies of a report concerning the addition to the Community Services Board building at 1241 North Main Street which is owned by the City, and called on Dwight Miller and Dale Cupp, the architects who have been working on the addition, for comments. Ms. Knighton explained that City Council endorsed the project "in concept" at a previous meeting and that the intent of the presentation this evening is to receive the Council's approval of the final plans so the project can be put out to bid. Mr. Cupp explained that the plans are for an addition of approximately 12,000 sq. feet of office space to the existing building. In presenting the final plans to Council for their review, Mr. Cupp noted that the project is close to completion with a few mechanical details to be worked out. City Manager Milam noted that he has received progress reports all along from the Community Services Board and explained that they have kept in line with the original 12,000 square foot design. Manager Milam further noted that he did not bid on the property that adjoins 1241 North Main Street when it was up for public auction giving the fact that it sold for \$102,500. Manager Milam went on to say that the City

purchased the house and lot at 1241 North Main street for \$60,000, and spent \$80,000 on an addition several years ago. Manager Milam noted that this second addition will cost around \$600,000 or \$700,000. Manager Milam stated that he hopes to have financing available through the Housing Authority with repayment coming from the Community Services Board. Manager Milam concluded in saying that the Community Services Board could proceed with the next phase. Ms. Knighton introduced Mr. Lacy Whitmore, who is the director of Administrative Services and will be the acting Executive Director upon her resignation. Mayor Green thanked Ms. Knighton for her service to the Community as Executive Director of the Community Service Board and wished her well in her new endeavor.

✓ City Manager Milam read a letter from Betty Harouff, President of the Downtown Harrisonburg Retail Merchants Association, requesting permission to hold the annual sidewalk sale on July 14, 15 and 16, 1988. Council Member Shank offered a motion that approval for the sidewalk sale be granted. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ City Manager Milam presented a letter received from the Purcell Park Neighborhood Association, and called on Mr. Joseph G. Lynch for comments. Mr. Lynch stated that the Association is seeking assistance and guidance from the City Council in solving the traffic problems in the Purcell Park neighborhood. Mr. Lynch said that he had spoken with Street Superintendent Baker, who instructed the Association to do a traffic count. Mr. Lynch explained that they are having problems with the speed of vehicles, the weight of vehicles, and the volume of non-residential through traffic. Council Member Rhodes offered a motion that this request be sent to the Harrisonburg Transportation Safety Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council. Mr. Lynch thanked City Council for their part in helping to cut down on the of the fireworks at James Madison University on July 4th.

✓ A delegation of residents from Vine Street and Meadowlark Drive were present in the meeting in support of a petition requesting that through-trucks be prohibited on Vine Street between Old Furnace Road and East Market Street. Mr. Harold D. Lee, speaking on behalf of the residents, noted that they can "no longer enjoy their homes, yards, or breath fresh air because of the constant barrage of trucks pounding through the neighborhood." Mr. Lee further noted that the trucks pose a danger to the many walkers, jogger, bikers and small children in the area; further stating that they have a serious problem and are asking the City Council for help. Mr. Lee stated that there is "no justification for through trucks in our neighborhood" and questioned "why their residential neighborhood should be subjected to the constant truck harassment when others are not." Council Member Kite stated that these people do have a legitimate problem and that he didn't think the road was built with a road bed for trucks. Council Member Shank explained that when Vine Street was first built, it was designed as a collector street. Mr. Gerald E. Myers, 780 Vine Street, stated that it is devastating now trying to get out on the street for all the traffic and stated he also did not think the road was built for truck traffic; noting that the area is strictly residential except for the High's Store. Manager Milam called attention to a large street map and explained that Vine Street was laid out many years ago before any houses were there in an attempt to make a connection to Market Street. Manager Milam further explained that Vine Street is being constructed at Stonefield Village with a portion contracted for Kratzer Road and Route 42. Assistant Manger Baker pointed out the route of Vine Street to Harris Gardens noting that Harris Gardens is at least 10 years old and Vine Street has been located to Harris Gardens for quite some time. Manager Milam noted that is probably regrettable that the houses were built after the layout. In addressing the street construction question, Manager Milam noted that city staff have discovered that the subdivision ordinance requirement of eight inches of base material with a thin layer of surface treatment is not strong enough to carry the



heavy weight of trucks. Manager Milam further noted that the street is 40 feet between curbs, which allows for parking on both sides and two way traffic, which is a collector street. Mr. Lee stated that they (the citizens) are not objecting to the street going through or the traffic, but their objection is to the street being a main thoroughfare for trucks. Mr. Lee then read a list, including types and company names, of some 30 trucks that passed through the area during a 30 minute period. Council Member Rhodes, noting that the Council has looked after other areas and feels they should look after this area also, offered a motion that the matter be sent to the Harrisonburg Transportation Safety Commission. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

A citizen stated that the intersection of Country Club Road, Vine Street and East Market Street should be considered for a traffic light. Assistant Manager Baker noted that this is high on the City's priority list as soon as the needed funds become available.

✓ City Manager Milam called attention to the Report on Audit for the Rockingham/Harrisonburg Juvenile and Domestic Relations District Court, year ended June 30, 1987, prepared by the Auditor of Public Accounts, Richmond, Va. Manager Milam noted receipts of \$172,990 and disbursements of \$173,935; leaving a balance of \$50 which includes a balance of \$995 from 1986.

✓ Ms. Helen Hanson express her appreciation to City Council for having the stop signs put on South Dogwood Drive. Ms. Hanson noted that the slower traffic had added to the safety of the area.

✓ As a continuation of the permit parking study presented at the June 28, 1988 Council meeting, Mr. Marshall Price of 279 Newman Avenue, was present at the meeting to request restricted parking on the one side of Newman Avenue with private homes. Mr. Price explained that he, along with the Weavers and Julius, had restricted parking for awhile, which helped greatly; but noted that this area being restricted was a mistake. Mr. Price further noted that he had spoken with a member of the Law Firm and they indicated that they would not oppose the request for restricted parking. City Attorney Thumma explained that the restricted parking ordinance only related to residential zones and this area is zoned B-2. Attorney Thumma further noted that there is no way restricted parking in a B-2 zone could be enforced. Mr. Price explained that he sees restricted parking as a means to help homeowners park close to home and feels it is discriminating because they happen to be in a situation that turned B-2. Mr. Price further noted that they have problems now even though it has been restricted, but with no restriction they will not have anywhere to park close to their homes. Mr. Price explained that he has people waiting to park in his space when he pulls out. Mayor Green questioned if he could get all the property owners on the street to request R-2 zoning. Mr. Price indicated he probably would not be able to do this. Council Member Shank questioned if there was an alley close by to use for parking. Mr. Price explained that Bruce Street alley runs behind his home, but the alley had become heavily used by traffic. City Attorney Thumma suggested that Mr. Price and Mr. Weaver request that their properties be rezoned to R-2 since they adjoin R-2 on one side. Mr. Price explained that the problem with this is that there is an apartment house separating the Julius' property from them. Following further discussion and Mayor Green stated that "they will try to do something," Council Member Shank offered a motion that this matter be referred to the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with 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 June 30, 1988, as required under the City Code:

<u>Year</u>	<u>Tax</u>	<u>Amount</u>
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1984	Personal Property	\$ 5,770.60
Prior to 1985	Real Estate	20,573.41
1985	Personal Property	15,083.17
1985	Real Estate	10,704.69
1986	Personal Property	17,288.47
1986	Real Estate	12,751.90

A list of the delinquent taxes on Real Estate and Tangible Personal Property for the year 1987 as required by Chapter 20, Section 58-978 of the Tax code of Virginia, and Article 9, Section 4-1-28 of the City Code was also submitted and is available for public inspection.

✓ City Manager Milam presented two resolution, which read as follows:

**Authorization of Expenditure of  
Federal Aid Funds**

The City of Harrisonburg, Virginia agrees that the amount of \$60,000.00 in federal aid may be expended by the Rockingham Public Library under the regulations of the State Library Board.

Marvin B. Milam

**State Aid Funds**

The City of Harrisonburg, Virginia agrees that the amount of \$214,442 in State aid may be expended by the Rockingham Public Library under the regulations of the State Library Board.

Marvin B. Milam

Vice-Mayor Dingledine offered a motion that authorization be granted for expenditure of the funds. The motion was seconded by Council Member Rhodes and adopted by a unanimous vote of Council.

✓ As required for the Community Development Block Grant, City Manger Milam read the following designation of roles for the Ridgeville Block Grant:

Grant Administrator	Nancy Bloebaum, Mattern and Craig
Grant Consultant	Tom Crush, Wiley and Wilson
Contract Compliance Officer	Assistant City Manager Roger Baker
Project Manager	Assistant City Manager Roger Baker
Fair Housing Administrator	Assistant City Manager Roger Baker
Environmental Certifying Off.	Assistant City Manager Roger Baker
Labor Standards Administrator	Assistant City Manager Roger Baker
Financial Officer	Clerk of the Council Judy Gray

Council Member Rhodes offered a motion that the designation of role be approved for the Ridgeville Block Grant. The motion was seconded by Council Member Shank and approved with a unanimous recorded vote of Council.

✓ City Manager Milam noted that two elected representatives are recommended to serve on the joint emergency committee for the City of Harrisonburg and Rockingham County. Chief Shifflett explained that plans are to contact Phoebe Orebaugh to see if she is willing to serve on the committee since Paul Cline declined to serve.

✓ Chief Shifflett reported that the Fire Department has a major piece of equipment out of commission. Chief Shifflett explained that the 100 foot ladder truck is being repaired in Pennsylvania at an estimated cost of \$50,000. Chief Shifflett noted that the truck was purchased in 1979 at a cost of \$117,000, and to purchase a new truck today, would cost anywhere from \$250,000 to \$400,000.

✓ Council Member Rhodes questioned the status of E 9-1-1. Chief Shifflett explained that implementation is expected somewhere around September 1, 1988. Chief Shifflett further explained that they are holding the final payment of \$40,000, which was due April 1; and further noted they do not even want a implementation date until the system is up and reliable.

At 9:15 p.m. on motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote, Council entered an executive session to discuss real estate and personnel matters.

At 10:32 p.m. the executive session was closed and the regular session reconvened.

✓ Inasmuch as Council's public hearing was held on June 28th to here citizens views and comments concerning appointments to the City School Board, Mayor Green said that consideration should be give at this time to an appointee to fill the unexpired term of Dr. Lillian P. Jennings. Vice-Mayor Dingledine offered a motion that Mr. John J. (Jack) Broaddus, 144 Nelson Drive, be appointed to fill the unexpired term to June 30, 1990, (to be considered the first term of Mr. Broaddus.) The motion was seconded by Council Member Rhodes, and adopted by a majority vote of the Council.

✓ Mayor Green asked members wishes concerning four appointments to the Harrisonburg-Rockingham Regional Sewer Authority, with terms to expire on July 14, 1990. On motion of Council Member Shank, seconded by Council Member Kite and a unanimous vote, Mr. John Gordon was reappointed to the Sewer Authority. On motion of Council Member Rhodes, seconded by Vice-Mayor Dingledine and a unanimous vote, Mr. John Driver was reappointed to the Sewer Authority. On motion of Vice-Mayor Dingledine, seconded by Council Member Rhodes and a unanimous vote, Mr. Warren L. Braun was reappointed to the Sewer Authority. On motion of Vice-Mayor Dingledine, seconded by Council Member Kite and a unanimous vote, Mr. Roger Baker was reappointed to the Sewer Authority.

There being no further business, on motion duly adopted, the meeting was adjourned at 10:40.

Judy M. Gray CLERK  
Walter F. Green MAYOR

**Regular Meeting  
Tuesday, July 26, 1988**

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m. There were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Clerk Judy M. Gray; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Auditor Philip Peterman and Chief of Police Richard W. Presgrave.

Minutes of the regular meeting held on July 12, 1988, were approved a read.

✓ City Manager Milam presented for Council's information the Shenandoah Valley Regional Airport Commission's proposed 1988-89 budget in the amount of \$851,396.00, and indicated there is a copy in the Manager's office for review.

✓ At 7:45 p.m., Mayor Green closed the regular session temporarily and called a public hearing to order. City Manager Milam read the following Notice of Public Hearing as advertised in the Daily News Record newspaper on Thursday, July 7th and July 21st:

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 26, 1988, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, to consider the following rezoning request:**

**To rezone from R-1 Single Family Residential to B-2 General Business, Lots 12 and 13, Block L, Page 28 of City Block Map, located at 788 and 796 East Market Street. Request is by Betty N. Curry, contractual owner representing Beulah J. Lawson and Ethel Coffman. Added to the application is Lot 14, 798 East Market Street (High's Store) now zoned R-4, to be considered for B-2 General Business.**

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

Planning Director Sullivan indicated that the Planning Commission is recommending this rezoning and then called Council's attention to a large map showing how this fits into the B2 General Business zoning on East Market Street. Director Sullivan further noted that this is considered a logical and common sense expansion of business zoning. Ms. Betty N. Curry indicated that it is in a business dis-

trict, and the purpose is for an office building which should not add much more traffic to the area and should be attractive there. Ms. Curry noted that the property is owned by Kevin and Avra Leigh, and that they will be putting an office building there. There being no others present desiring to be heard, the Public Hearing was declared closed at 7:50 p.m., and the regular session reconvened.

\* \* \* \* \*

Mayor Green asked Council's wishing concerning the rezoning. Council Member Rhodes offered a motion that the rezoning request be granted. The motion was seconded by Vice-Mayor Dingledine and approved with a unanimous recorded vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on July 20, 1988:

"... The Commissioners studied two plats drawn by Surveyor Hal Benner, one illustrating seven lots to be vacated, and one showing a land exchange between Lynn Griffith and Rockingham Cooperative Farm Bureau. Chairman Trobaugh noted that the Commission requested the vacating plat in June when Mr. Griffith's proposed Roosevelt Square apartment complex was tabled. The exchange of small triangles of land between Mr. Griffith and the Farm Bureau was surveyed and drawn by Mr. Benner in November 1987, but not submitted to the Director until late June 1988.

Following discussion and satisfaction that the two plats are in proper order, Mr. Rhodes moved and Mr. Hartman seconded his motion for the Commission to recommend approval of the vacating of lots by Lynn Griffith on Roosevelt and South High Streets, and the land exchange between Mr. Griffith and the Farm Bureau. The motion passed unanimously..."

Planning Director Sullivan noted that this is a future housing development on Roosevelt and the east side of South High Street, which will become a ten unit housing development with two single family homes and four duplexes. Planning Director Sullivan noted that access will be off of Roosevelt Street. Council Member Kite offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from the minutes of the Harrisonburg Planning Commission meeting held on July 20, 1988:

"... Mr. John Driver explained to the Commission a plat drawn by Surveyor Hal Benner, calling for vacating Lots 31, 32, 33 and 34 of Ashby Estates Subdivision, Section II, and a new layout of five single family lots on the south side of Nelson Drive. Mr. Driver noted that a detention pond on proposed Lot 32 hasn't been completed, but City Staff has approved the new drainage area and work is to be done on the detention pond.

Mr. Hughes moved and Mr. Hartman seconded his motion to recommend approval of vacating Lots 31 through 34, and approval of five new lots in Ashby Estates Subdivision, Section II. The motion passed unanimously..."

Planning Director Sullivan called Council's attention to a large overall map of the area and explained that this request is to vacate the old lines and create new lines to add five additional lots. 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 approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on July 20, 1988:

"...Mr. J. R. Copper explained to the Commissioners that Golden Rule Homes, of 1976 South Main Street, desires to purchase 2.73 acres from Mr. J. E. Summers. Golden Rule Homes has leased this area for several years, and Mr. Summers will continue to have ample street frontage after he sells the 2.73 acres to Golden Rule.

Mrs. Shapiro moved and Mr. Rhodes seconded her motion to recommend approval of Summers Subdivision, Section 1. The

**motion passes unanimously..."**

Mr. J. R. Copper stated he would like to request that this be delayed to another meeting because some storm drainage easements had been discovered that he was not aware of, and other negotiations were still taking place. Mr. Copper did note that the concept of the request will not be changed.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on July 20, 1988:

**"...The Director referred to the Northfield Commercial Master Plan, indicating the location of proposed Lot 5 on a new street, "Commerce Drive." The 33,927 square foot lot will be 220' south of North Main Street. Mr. Sullivan added that Commerce Drive is under construction, and will soon be dedicated to the City.**

**Mr. Rhodes moved and Mr. Hartman seconded his motion for the Commission to recommend approval of Northfield Commercial Subdivision, Lot 5. The motion passed unanimously..."**

Planning Director Sullivan called Council's attention to a large overall map and pointed out where this lot is in relation to the 7-11 and Colonial Car Wash on North Main Street. Mr. Sullivan explained that this area is zoned General Business, and that Commerce Drive is still under construction, but nearing completion. Vice-Mayor Dingledine offered a motion for the recommendation of the Planning Commission to be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on July 20, 1988:

**"...Mr. J. R. Copper reviewed the proposed Final Plat of Blue Stone Hills Subdivision, Section 3B. One parcel of 4.24 acres is involved. It is located on the Emerald Drive cul-de-sac. Mr. Ernie James reported that water, sewer and storm drainage will be available by late summer. The property is zoned R-3 Multiple Dwelling District and is located near Skyline Village Shopping Center.**

**Mr. Hughes moved and Mrs. Shapiro seconded his motion for the Commission to recommend approval of Blue Stone Hills Subdivision, Section 3B. The motion passed unanimously..."**

Mr. J. R. Copper explained that this is the property that was left at the end of a street that was shortened last month. Mr. Copper noted that they are requesting approval of the subdivision only, and resubdivision or development of the property would be brought back to the Planning Commission. Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission held on July 20, 1988:

**"...The Commissioners reviewed the proposed final Plat of Reherd Acres Subdivision, Unit 23B. The 19 lot, R-1 Single Family Residential District layout includes a 600' extension of Mockingbird Drive and a new cul-de-sac, Falcon Court. The director noted that easements are needed for utilities and storm drainage. Mr. J. R. Copper indicated his office could make these additions before City Council's July 26th meeting. Mr. Sullivan also reported that special attention must be addressed by any builders to the large sink hole on Lot 4, Block N.**

**Mr. Rhodes moved for the Commission to recommend approval of Reherd Acres, Unit 23B, providing the easements be added to the Final Plat. Mr. Hartman seconded the motion and all members voted in favor..."**

Planning Director Sullivan called Council's attention to a large area map and explained that this is the last of the single family lots in this area. Mr. Sullivan explained that Mockingbird Drive will extend southward up the hill next to Interstate 81. Mr. Sullivan also pointed out a new cul-de-sac (Falcon Court) to be added between a new street and the existing cul-de-sac. Mr.

Sullivan explained that the plat had been revised to add a couple of easements for storm drainage into the existing sink hole on Lot 4. Mr. Sullivan expressed appreciation to Mr. Copper for getting the plat done and apologized for comments he made on Wednesday. Council Member Kite questioned if the materials, such as dry wall and wood, that have been dumped in the sink hole will make any difference. Mr. Copper explained that test borings have been done for any construction and these will be supplied to the Building Official at the time of any request for a building permit. Mr. Copper further noted that it has been determined that there is an acceptable building site on each of these lots, and there is enough fill on top of the sink hole that the materials in there will not surface. Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam presented a report on the purchase of 409-411 South Main Street, which is south of the Municipal Building and known as the Sears and Sherwin Williams Building. Manager Milam explained that he was given authorization to negotiate for the purchase of the building, and in March of 1988, offered a cash settlement with principal payment of \$455,000 over four years with payment of \$110,000 at closing and \$115,000 plus interest every year thereafter. Manager Milam stated that closing took place on July 19th in Staunton at Sovran Bank where final taxes were received along with a check for the pro rated share of rent from Sherwin Williams. Manager Milam noted that the property is surrounded by City owned property, with the City owning all the property within the square with the exception of the Methodist Church. Manager Milam further explained that the Mayor has signed the Deed of Trust along with three notes which are secured by the Deed of Trust in the amount of \$115,000 for three times; and that this has been recorded and presented to Mr. Steger, Jr., First Vice President of Sovran Bank. Manager Milam concluded in saying that all transactions have been completed; and since this transaction took place by direction of Council, he would like to have ratification by Council on the actions taken for recordation in the minutes. Council Member Rhodes offered a motion for ratification of the actions taken to purchase the property at 401-411 South Main Street. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Manager Milam explained that the City has a lease, scheduled to expire on September 1, 1988, with Valley Blox Inc, Orvill Pence President. Manager Milam noted that the lease is for one annual payment in the amount of \$3,000 plus sufficient insurance provided to cover activities at the sight located between the old sewage treatment plant and Interstate 81. Manager Milam noted that Mr. Pence would like to continue the lease for one more year, with payment in advance, at the same price of \$3,000 to lease the 2 1/2 acres of land. Council Member Kite offered a motion that the lease be continued with Valley Box for one more year. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 8:15 p.m. on motion of Council Member Rhodes, seconded by Vice Mayor Dingledine, and a unanimous vote, Council entered an executive session to discuss real estate matters.

At 9:07 p.m. the executive session was closed and the regular session reconvened. The being no further business, on motion adopted, the meeting was adjourned at 9:07.

*Judy M. Gray*  
CLERK

*Stanton F. Pence*  
MAYOR



**REGULAR MEETING**  
**Tuesday, August 9, 1988**

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; Clerk Judy M. Gray; Council Members Elon Rhodes and Curtis F. Kite and Chief of Police Richard W. Presgrave. Absent: Vice-Mayor Raymond C. Dingleline, Council Member Charles L. Shank, City Attorney Earl Thumma and City Auditor Philip L. Peterman.

Minutes of the regular meeting held on July 26th 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, 1988.

From the City Treasurer:

A trial balance report for the month of July, 1988.

From the Police Department:

A report of Fines and Costs collected - \$2,250.55; Cash collected from street parking meters - \$9,167.42; total cash collected during the month of July, paid on accounts and turned over to the City Treasurer - \$11,417.97.

From the City Auditor:

A report of cash discounts saved in the payment of vendor's invoices from the month of July, 1988, in the total amount of \$163.66.

✓ City Manager Milam presented for Council's information the Report on Audit for the year ended June 30, 1987, for the County of Rockingham/City of Harrisonburg General District Court and indicated that a copy of the report is in the Manager's office for public inspection. Manager Milam noted that the balance as of July 1, 1986 was \$6,094, receipts totaled \$991,107, disbursements totaled \$966,431 and the balance as of June 30, 1987 was \$30,770.

✓ City Manager Milam presented and read a letter from the Virginia Supplemental Retirement System in reference to solicitations made by representatives of insurance companies and financial institutions where the representatives have inferred that they are working with the VSRS. The letter was to inform employees that VSRS has no connection with any organization selling services related to "financial planning" or insurance products.

✓ Mr. Clarence Whitelow, Ms. Debbie Jones and Mr. Kent Handrich were present at the meeting representing the Northeast Community Association in Harrisonburg. Mr. Whitelow explained that he, along with Ms. Jones and Mr. Handrich presently own two lots on the far east end of Kelley Street. Mr. Whitelow further explained that this end of the block on Kelley street does not have sewerage, and they would like to get sewerage in that area. Mr. Whitelow noted that they have sold one lot to Ms. Rose Brown, who would like to build a house on the lot, but the Health Department turned her down for a septic system because the land would not perk. Mr. Whitelow further noted that the remaining two lots are worthless unless they can get sewerage in area. Mr. Whitelow explained that the Northeast Community Association is a non profit association hoping to build new homes in the northeast. City Manager Milam explained that one possibility to get a sewer line to that part of Kelley Street would require going through the Madden Property in a southerly direction and then crossing Kenny Kline's property and the new detention pond that was recently built. Mr. Milam further explained that previous estimates were around \$400,000 to run sewer lines in that area to serve those three or four lots. Manager Milam explained that another possibility would be to build a lift station in the low area, and pump the sewerage. Mr. Kent Handrich noted that they are not dealing with just three or four lots that there are eleven properties in all without sewer service. Council Member Rhodes indicated that he had spoken with Mr. Handrich and advised him to contact Mr. Jim Leeth, Assistant Water/Sewer Superintendent, to see if something could be worked out and to draw up some cost estimates. Manager Milam indicated that he would be glad to investigate the situation, and after discussing it with Mr. Leeth, bring a report back to Council. Manager Milam noted that in some cases pieces of property are not

buildable, because you can not get utilities to every single lot. Mayor Green noted that they will investigate the situation and see what the alternatives are.

✓ City Manager Milam presented and read a letter from Martin Z. Eby, requesting rezoning of 9 acres of land from M-1 Industrial to R-3 Multiple Family Residential situated on the southwest side of South Avenue and the northwest side of the C & W Railway. Council Member Rhodes offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council Members present.

✓ In reference to the request for permission to advertise the proposed gas franchise ordinance for written bids, City Manager Milam explained that representatives of the gas company has requested that this be delay in order for their representatives to meet with City officials.

✓ City Manager Milam presented and read the following letter from the Board of Viewers:

**Subject: Request from James Madison University for the closing of 200' of a 15' alley located between Anthony-Seeger Hall and four dwellings on Patterson Street owned by JMU. The City of Harrisonburg Planning Commission's recommended that the portion of alley be closed, dated June 15, 1988.**

**Report: We the Board of Viewers on July 18, 1988, visited the location of the alley involved, considered the request and pertinent stated needs of the owners: created by the closing of said portion of the said 15' alley. We are in unanimous agreement that 200' of the 15' alley bordering the four lots #171-177-183-189 be closed and the 15' width of the closed portion be added to the depth of the Patterson Street lots owed by James Madison University.**

Mayor Green questioned if all the property owners had been contacted. Council Member Rhodes indicated that all property owners had been contacted and no one objected to the alley closing. City Manager Milam explained that a survey and description of the alley will have to be prepared to be conveyed to JMU. Mayor Green suggested that the closing be tabled until there is a full Council present, and in order for the necessary papers to be prepared for a first reading.

✓ City Manager Milam presented a deed of exchange between Rose M. Brown, the City and Ken Handrich, and explained the deed was necessary in order to correct an error in the survey performed on Lot 45 of Hill-top Addition, Section A, on Kelley Street. Manager Milam stated that there is an overlap which is over on the City's alley at the Transportation Center. Mayor Green requested that this matter be tabled until the next City Council meeting in order to obtain further clarification from the City Attorney.

Council Member Rhodes inquired as to how the meter installations were going. Manager Milam explained that all the meters had been installed, but adjustments were necessary to approximately 400 of the meters because of problems arriving from the meters being installed to hastily and problems with the computer.

At 8:10 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

*Judy M. Gray*  
CLERK

*Walter F. Green*  
MAYOR

## REGULAR MEETING

TUESDAY, AUGUST 23, 1988

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m. There were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy Gray and City Auditor Philip Peterman. Absent: Chief Richard Presgrave (Captain Stroble sitting in for Chief Presgrave.)

Minutes of the regular meeting held on August 9, 1988, were approved as read.

City Manager Milam presented correspondence from Mr. Charles F. Sellers, and called on Mr. Sellers for comments. Mr. Sellers explained that he was in the process of putting a street through on South Main Street (Corporate Drive) which will connect Route 701 and South Main Street. Mr. Sellers noted that the street goes through a portion of Harrisonburg and a small section of Rockingham County. Mr. Sellers further noted that they want to provide water to this small street, but the indefinite status of City water extending into the County has posed several questions as to the development of the property. Mr. Sellers then called on Mr. John E. Driver for further comments. Mr. Driver called Council's attention to a large area map and pointed out exactly where the street is located. Mr. Driver also noted that Sellers has obtained approval on developing Corporate Drive from the Planning Commission and the City Council. Mr. Driver explained that the City has a 12' water main running along one side of South Main and the County has a 12' main running along the other side of South Main thus putting them in a unique situation with City and County water at the street entrance. Mr. Driver explained that this small area of land would only accommodate four to six lots that they would like to be serviced with city water. Mr. Driver further explained that Sellers owns about 3,000 feet of street frontage on South Main and approximately 200 acres of land. Mr. Driver explained that the water line they are asking for would be for an extension of 265 feet, which will not go all the way to 701; and 315 feet of sanitary sewer, (which would go to the Regional Sewer Authority regardless of who puts it in.) Mr. Driver noted that since the water moratorium expired in July, Sellers would like to ask that this extension be permitted. Mr. Driver further stated that it is his hope that an indefinite moratorium not be stated because the way it is now developers are at a loss as to what to do or how to handle the situation. Mr. Driver noted that he would rather it be stated that no water and sewer lines will be permitted in the County versus an indefinite moratorium. Mr. Driver went on to say that Sellers is not the only person affected by the corporate line running through their property. Mr. Driver stated that there is probably 50 some property owners around the City with this same problem, and in his opinion these person should be serviced with city utilities whether the utilities are extended into the County or not. In reviewing some of Harrisonburg's past history, Mr. Driver noted that in the 1962 annexation, the City was required to put additional water and sewer lines in the annexed area and made the County residents pay double rates. In 1969 the City was forced to build a water treatment plant and install a water main from the Shenandoah River because of expansion. Mr. Driver also pointed out that having water and sewer lines in the County during the 1982 annexation was one of the City's biggest assets, and the City would be hurting itself by cutting off all water and sewer lines into the County especially if they are ever thinking of another annexation. Mr. Driver stated that the City just needs to update its facilities and enlarge the water treatment plant. Mr. Driver also stated that during the past year's moratorium Belmont Estates was being expanded all the time with connections to City Water and he doesn't feel these persons should be given special privileges when the developers pay taxes to the city, own property in the city and some live in the City. Mr. Driver concluded in stating that his request is to permit Mr. Sellers to extend water and sewer lines to his property. Mayor Green questioned if the County will allow

these lines to be extended. Mr. Driver noted that they are close enough to run service lines and would not have to extend a main. Mr. Driver also noted that if they get city approval then they will go to the County for approval. Mr. Driver also explained that they would like to put the lines in and put a valve at the corporate line until they get further permission from City Council. Mayor Green stated that City officials will clarify and follow up further on the situation and get back to Mr. Sellers at the earliest possible time.

✓ City Manager Milam presented and read a letter from Mr. Wayne A. Pankey, executor of the estate of Jesse Pankey, indicating their desire to construct five, four unit apartment buildings on Lots 37-44 & 93-100, Block C, Page 42 located at N. Main Street. Council Member Shank offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Rhodes, and seconded by a unanimous vote of Council.

✓ Mr. Clarence Whitelow, representing the Northeast Community Association, expressed appreciation for the actions taken by the City to bring sewerage service to the eastern end of Kelley Street, noting that Council Members Rhodes and Kite walked the length of Kelley Street and observed the lots in question as well as the lot that Ms. Brown is hoping to build her home on. Mr. Whitelow stated that "the Association anticipates a timely solution to a long, overdue sewerage need." City Manager Milam explained that the situation is still being investigated and studied as to the possibilities of whether it might be extended by gravity or if a lift station will have to be built. Manager Milam noted that all the figures have not been put together yet; but the City has not received any applications for service, and would suggest that those persons interested make application to the City. Council Member Rhodes noted that another possibility they thought they would pursue which would be going through the park area down through the ravine.

✓ Manager Milam called Council's attention to page 36 and 38 of a handout and noted that City revenues increased by 15.28% as compared to the overall budget that went up 13%. Manager Milam noted that normally the City does not deal directly with employees of the Welfare Department but rather make allocation to the Welfare Board. Milam then introduced Mrs. Doris Sipe and Mr. Jack Neff, members of the Social Services Board, and called on Sonja Bible, Director of Social Services for comments. Mrs. Bible indicated that they were present at the meeting to request an additional appropriation to the Harrisonburg Department of Social Services for the Fiscal Year 1988-89. In summarizing the situation, Mrs. Bible explained that in August of 1988, they received the final state allocations for this year with drastic cuts in administration which resulted in not enough monies for cost-of-living and merit increases to employees or even enough money to operate for the full year. Ms. Bible further explained that her main concern was that the cuts will have a negative impact on the operation of the programs and detrimental to the people served by the Department. Ms. Bible stated that salaries in the department are already not competitive with other agencies, with a beginning social worker starting at \$5,700 less than a beginning teacher. Ms. Bible further stated that low salaries and little compensation has caused the department's turnover rate to skyrocket, with six of sixteen employees terminating their employment in one year. Ms. Bible noted that these turnovers have been costly to the clients in terms of services and to the Agency in terms of money and training costs. Ms. Bible emphasized that she and the Board feel strongly that the employees of the Agency deserve and should receive cost-of-living and merit increases. In addition to employees, Ms. Bible noted that other administrative costs continue to escalate such as postage, communications etc. Ms. Bible explained that the Agency has always been frugal in regards to administrative cost, and have been "doing more with less" for some time. In conclusion, Ms. Bible again stated that she is requesting an additional lump sum allocation to administer the Social Services program in the Agency, adding that should the Council approve the additional allocation, those monies will be

utilized only if and when the 80%-20% monies have been expended and no additional money forth coming from the State. Ms. Bible explained that the additional allocation requested would give a 5% cost of living and a 2% merit increase for a total of a 7% increase to employees. Manager Milam explained that the additional monies requested would involve a supplemental request and the transfer of City funds would increase from \$167,000 to \$207,00 with the additional \$40,000 added. Manager Milam further noted that most city employees received a 4.4% cost of living raise, with some receiving a 2.5% merit increase which resulted in a 6.9% increase. Manager Milam stated that it is disappointing that the General Assembly did not hold up their end of the bargain in not allocating Social Services any extra funding while funding other agencies. Council Member Rhodes questioned if the County had experienced the same cuts. Ms. Bible explained that the cuts were state wide. Manager Milam suggested that the following transfer and supplemental appropriation be approved for a first reading to meet the State decreased appropriation for Fiscal Year 1988-89:

✓ \$40,000 transfer from General Fund - Unappropriated Fund  
Balance  
40,000 tranfer to VPA - Unappropriated Fund Balance  
40,000 Chgd. to: VPA - Unappropriated Fund Balance  
10,000 approp. to: VPA (5-5301-1001.02) Joint Services  
10,000 approp. to: VPA (5-5301-1001.04) Food Stamps  
10,000 approp. to: VPA (5-5301-1001.05) Eligibility - PA  
2,500 approp. to: VPA (5-5301-2005.01) Health Insurance  
2,500 approp. to: VPA (5-5301-2014.01) FICA, Retirement  
2,500 approp. to: VPA (5-5301-5101.01) Utilities  
2,500 approp. to: VPA (5-5310-5300.10) Insurance

Council Member Rhodes offered a motion that the transfer and supplemental appropriation be approved for a first reading. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council. Ms. Bible thanked the Council for their time and consideration.

Manager Milam called Council's attention to a boundary line agreement between Rose Brown, the City and Ken Handrich, and called on City Attorney Thumma for clarification. Attorney Thumma noted that this is a simple boundary line agreement with no change as far as the City is concerned. Attorney Thumma further noted that he saw no reason to refer this matter to the Planning Commission. Council Member Rhodes offered a motion that the boundary line be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

"... Mr. H. Grey Liskey's request to rezone 1.7 acres of vacant land from R-2 to R-3 Multiple Dwelling District was discussed further by Mr. Liskey. He explained that he can extend water and sewer to the 1.7 acres from adjacent Lexington Square Apartments. The current moratorium concerning City water and sewer extensions into the County does not affect Mr. Liskey's 1.7 acres being considered for rezoning, or the frontage of his property along Old Furnace Road. Mr. Liskey also stated he will not locate any of his townhouses that would be "split" by the City-County line.

Mr. Health concluded the discussion with a motion for the Commission to recommend rezoning the 1.7 acres from R-2 to R-3 Multiple Dwelling District. Mr. Rhodes seconded the motion and all members present voted aye..."

Council Member Rhodes offered a motion that a public hearing date be set for September 27, 1988. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

"...The Commissioners heard from Attorney Clark, representing DMI Corporation, and from William H. Voige, President of the Devonshire Home Owners Association. Mr. Clark noted that a revised plan of development has been submitted, which includes adding berms and additional

landscaping near the Devonshire townhouses, and recreational facilities, i. e., volleyball court and basketball goals and a "club house" for the Hunters Ridge and new townhouse residents. Dr. Voige objected to the lack of a plan from Mr. Jellum for his one acre parcel, the density proposed by DMI hasn't been reduced (the revised plan still calls for 100 townhouses) and the berm proposal may destroy trees and establish a "party area" for the new occupants. Also, why should 25% of JMU's off-campus enrollment live in a 50 acre area vs. being spread around more sections of the City? Dr. Voige urged that special landscaping be carried out and properly maintained, and Devonshire would like to have a voice in what is planted. Chairman Trobaugh noted that DMI's revised plan also moves the townhouses at least 66 to 70 feet away from the nearby Devonshire units. Mrs. Shapiro stated that Mr. Jellum's property should remain zoned R-1 Single Family Residential until he brings in a plan "on his own."

Mr. Heath, noting that the DMI request for rezoning involves property surrounded by higher density residential development, and that it is located very close to JMU, moved for the Commission to recommend rezoning DMI's request for R-3 Multiple Dwelling District, but excluding the Jellum parcel due to no plan of development. Mr. Rhodes seconded the motion and all members present voted aye..."

Council Member Rhodes offered a motion that a public hearing date be set for September 27, 1988. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

"... Attorney T. J. Wilson, representing Mr. Glen Berkshire of 557 Lee Avenue, told the Commissioners that his client owns both lots on the south side of 7th Street, between Lee and Virginia Avenues, and is applying for the closing of the undeveloped street. Other interests own the lots on the north side of 7th Street, namely Shenandoah Manufacturing Company and Virginia Highway Department. Also, Mr. Berkshire desires to resubdivide his two lots on Lee Avenue. A preliminary plat, dated 8-15-88 by Hill and Shiflet was submitted to the Planning Office today, but Attorney Wilson asked that it be tabled until the 7th Street closing request is decided.

Mr. Heath concluded the discussion with a motion for the Commission to recommend that a Board of Viewers be appointed to consider closing 7th Street between Lee and Virginia Avenues. Mr. Rhodes seconded the motion and all members present voted aye..."

Council Member Shank offered a motion that a Board of Viewers be appointed to review this request. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

"...Mrs. Lynette Davies of 81 Rex Road explained to the Commission that she and her husband want to build a garage on a vacant lot they own next to their home at 81 Rex Road. Zoning Administrator Gary Cook noted that a building permit for the garage has been tabled until the two lots are merged into one, because an accessory building cannot be built "on a separate lot." Mr. Hartman said an attorney can write a description and thus "eliminate" the line between the lots owned by Mr. and Mrs. Davies. The attorney then files the description in the clerk's office.

Mr. Hartman offered a motion, seconded by Mr. Heath, for the Commission to recommend vacating of the lot line between Lots 4 & 5, Block B, of Willow Hills Subdivision, Unit 1. The motion passed unanimously..."

Planning Director Sullivan explained that the Davies wish to build a garage on a vacant lot they own next to their home, and in order to get the building permit, the lots have to be merged. Director Sullivan further explained that Attorney Hatmaker is preparing the necessary document for the vacating of the lot lines. Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

**"...The Commissioners, having visited the site on North Dogwood Drive, expressed concern in allowing a 6,866 square foot lot in an R-1 Single Family Residential District, where 10,000 square feet is the minimum lot size required. Mr. Rhodes noted that a "major" variance regarding lot size had been turned down several months ago on South High Street. He then moved for the Commission to recommend denial of Mrs. Ilene Smith's resubdivision request for a 6,866 square foot lot on North Dogwood Drive. Mrs. Shapiro seconded the motion and all members voted for the motion..."**

Planning Director Sullivan noted that the basic problem is that creating a 6,866 square foot lot would be extremely small for a single family zone, and the Planning Commission feels that it is their duty to stick to minimum requirements. Vice-Mayor Dingledine offered a motion that the recommendation of the Planning Commission to deny the request be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

**"...The Commissioners reviewed proposed Westside Acres Subdivision, a 4.264 acre parcel of vacant land located behind J. O. Stickley & Sons and east of West Side Baptist Church. Surveyor J. R. Copper reported that the church plans to purchase the 4.264 acre parcel, but they have no definite plans for development. Mr. Sullivan noted that a 20' utility easement crosses the north portion of the property, and the undeveloped portion of West Wolfe Street, between Hartmen Drive and Statton Street, borders the northwest corner of the property.**

**Mr. Milam moved for the Commission to recommend approval of the Final Plat of Westside Acres Subdivision. Mr. Hartman seconded the motion and all members present voted aye..."**

Planning Director Sullivan explained that the Church is anxious to purchase the back portion of the J. O. Stickley property which is zoned residential. Director Sullivan noted that it is the wishes of the Church to expand in the future for parking or recreation, and if the Church desires to create its own access in the future off of Dogwood Street, they would be able to do so thus solving their own access problem. Mike Morris of Copper and Smith, stated that the Church has no definite plans for the property other than what has been indicated. Mr. Morris further noted that the Church has shown no unwillingness to work with the City. Council Member Rhodes offered a motion for approval of the Planning Commission's recommendation. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

**"...Attorney Henry Clark explained to the Commissioners that Gardner and Goins, a Virginia General Partnership, recently completed the Lexington Square Apartment complex on the north side of Old Furnance Road, and they desire to divide the 2.993 acre site into two separate parcels. The new lot line will run through the common parking lot which serves all the 48 apartments in the complex.**

**Mr. Milam moved for the Commission to recommend approval of the division of Lexington Square Apartments into two parcels as shown on a plat drawn by Surveyor Bobby Ownes, dated 4-1-88. Mrs. Shapiro seconded the motion and all members present voted aye..."**

Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

**"...Surveyor Jerry Brunk reviewed the Final Plat for Acorn Industrial Park, Section 1, located in northwest Harrisonburg. Eight large industrial-commercial lots are**



proposed in the M-1 Industrial District. Acorn Drive, a new street coming off Virginia, will serve the development and it will extend in the future eastward to North Liberty Street where it will meet Carolyn Drive in the Heatwole Subdivision. Mr. Brunk reported that the engineering and construction plans for Acorn Industrial Park were approved by the City several months ago.

Mr. Rhodes moved and Mr. Hartman seconded his motion to approve Acorn Industrial Park, Section 1. The motion passed unanimously.

Planning Director Sullivan called Council's attention to a large area map, and noted that the overall layout has been reviewed and the utility plan has been approved and is underway. Director Sullivan noted that Acorn Drive has been finished from Virginia Avenue to the railroad, and the proposal has reached the stage where the developer wants to record Section 1. Council Member Kite offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

"...Surveyor Jerry Brunk reviewed the Final Plat of Greendale Subdivision, Section 4, a 15-lot single family development located in southeast Harrisonburg. The engineering and construction drawings had been approved several months ago. Mr. Sullivan asked if the cul-de-sac on Carriage Drive will be temporary or permanent, and Mr. Brunk said he understood it will be permanent. The property east of the cul-de-sac is in the county, and is being developed as a mobile home park.

Mr. Rhodes moved and Mr. Hartman seconded his motion, for the Commission to recommend approval of Greendale Subdivision, Section 4. The motion passed unanimously..."

Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank, and approved by a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

"...Mr. Terry Sager of Moss Construction Company, owner-developer of the proposed Molly Terrace Townhouse Subdivision, reported that the 15 townhouse lots will all be larger than 3,000 square feet in size. They will be on the south side of Emerald Drive in Blue Stone Hills Subdivision. Engineering and construction plans have been approved. Mr. Sullivan suggested the lot dimensions be shown on the plat, for quick reference in the future. Zoning Administrator Cook expressed concern about assuring at least 30' of open space between the townhouse planned for Lot 1-0 and future development east of this lot.

Mr. Rhodes moved for the Commission to recommend approval of Molly Terrace Townhouse Subdivision, contingent on adding the lot dimensions and square footage to the Final Plat. Mr. Hartmen seconded the motion and all members present voted aye...

Council Member Kite offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on August 17, 1988:

"...Messrs. Bill Neff and J. R. Copper asked for approval of five Deyerly Subdivisions and Nelson Subdivision, a 6-lot layout on proposed Mall Street. Mr. Sullivan reported that the City Staff needs several easements to be added to some of the Deyerly Subdivisions. These requests were given to Mr. Copper on August 15th, but Mr. Neff responded that he did know of these requests. Neither he or Mr. Copper agreed to add any additional easements. Mr. Neff said the overall site plans have several "private" easements plus many public easements and roads in which most of the utilities are being located.

Mr. Rhodes concluded the discussion with a motion to recommend approval of Deyerly Subdivision 15A, 21, 22, 23 & 24. Mrs. Shapiro seconded the motion which passed unanimously. Mr. Hartman then moved for the Commission to recommend approval of Nelson Subdivision, Section 1. Mr. Milam seconded the motion which passed unanimously..."

Planning Director Sullivan explained that this is really six requests together since they are all located in the same area. Director Sullivan noted that the Nelson Subdivision is simply a five acre tract of land within the Deyerle Land. Director further noted that all the requests have been reviewed, and all the variances are in order. Mr. Bill Neff noted that all requests are just ordinary subdivision requests except for 15A, which is a small eight foot strip of land that, when deeded, will state that it must be attached to the adjoining property. Mr. Neff explained that at the end of University Boulevard they had to use a large 40 foot easement for storm sewer. Mr. Neff stated that the lot had already been sold to Dr. Shoey, and in order for Dr. Shoey to construct two buildings on the lot, he had to give him this 8 foot strip of land since you can not build on an easement. Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

At 8:58 p.m., on motion of Vice-Mayor Dingledine, seconded by Council Member Shank, and a unanimous vote, Council entered an executive session to discuss legal and real estate matters.

At 11:25 p.m., the executive session was closed and the regular session reconvened.

✓ Vice-Mayor Dingledine offered a motion that Council Member Kite be appointed to replace Tom Robinson on the Convention & Visitors Bureau Advisory Council. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

There being no further business, on motion duly adopted, the meeting was adjourned at 11:30 p.m.

*Judy M. Gray*  
CLERK

*Walter B. Jones*  
MAYOR

**REGULAR MEETING  
TUESDAY, SEPTEMBER 13, 1988**

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; Clerk Judy M. Gray; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon Rhodes, Charles L. Shank, Curtis F. Kite; and Chief of Police Richard W. Presgrave. Absent: Philip L. Peterman.

Minutes of the regular meeting held on August 23, 1988, 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 August, 1988.

From the City Treasurer:

A trial balance report for the month of August, 1988.

From the Police Department:

A report of Fines and Costs collected - \$2,112.35; Cash collected from street parking meters - \$7,322.91; total cash collected during the month of August, 1988, paid on accounts and turned over to the City Treasurer - \$9,435.26.

From the City Auditor:

A report of cash discounts saved in the payment of vendor's invoices from the month of August, 1988, in the total amount of \$295.99.

✓ City Manager Milam presented and read a letter from Mr. Bill V. Neff requesting that the name of Mall Street be changed to Neff Boulevard for future historical reasons. The letter stated that all the purchasers along this street have been contacted and would like the name changed. Vice-Mayor Dingledine offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read a letter from Mr. Henry C. Clark requesting that Willow Street between 3rd Street and 4th Street and between 4th Street and Chicago Avenue be abandoned and that the alley through block "P" of the City map between 3rd Street and 4th Street be abandoned. Council Member Shank offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read correspondence from Mr. Linwood H. Rose, James Madison University, requesting permission to have two banners hung in the Court Square vicinity to help celebrate Parents Weekend which is October 22 and Homecoming which is November 5. Request was made to have the banners posted by Thursday afternoon preceding each special weekend, and indicated they could come down the following Monday. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the request of James Madison University was approved.

✓ City Manager Milam presented and read correspondence from Mr. Michael G. Durland, Rockingham Memorial Hospital, Follies '88, requesting permission to erect a banner across S. Main St. from Schewel Furniture as part of their publicity campaign for Follies '88. Request was made to hang the banner from September 29th to October 9th. Mr. Durland stated in the letter that he had already secured Schewel's permission, and Virginia Power has volunteered to put the banner up and take it down. Mr. Durland further noted that Mike York, Harrisonburg Electric Commission, has no objections to the plans.

✓ Mr. Owen Shifflett, representing the residents of Crescent Drive and Mr. Marvin Philips, referred to a rezoning that took place in 1974 where Rockingham Mutual requested a rezoning from R-2 to B-2 of their property on East Market Street. Mr. Shifflett explained that at that time, the citizens objected to a business being put in next to a residential area. After discussing the matter with the Planning Commission and City Council, the citizens compromised with Mr. Heath and stated that they would not object to the rezoning if a 60 foot buffer zone of shrubbery and greenery was put in between the business and the residents of Crescent Drive. Mr. Shifflett then read a portion of an extract from a special meeting of the Planning Commission held on April 25, 1974, referencing the 60 foot buffer strip and quoted a newspaper article referring to the buffer strip. Mr. Shifflett further noted that about two weeks ago Mr. Heath decided to develop the property and cut down all the trees and shrubbery and put in a holding pond behind Mr. Philips' home. Mr. Shifflett stated that Mr. Heath did not contact any of the residents in the area and has not lived up to any of the previous agreements, which they do not think is right. Mr. Shifflett concluded in stating that the citizens of Harrisonburg depend on the City Council to protect their rights and asked the Council to see if there was anything that could be done about the situation. Mayor Green stated that Council did not know anything about this and questioned if the matter was presented to City staff for review. Mayor Green asked City Manager Milam to look into the matter and report back to Council.

✓ Attorney Steve Weaver, representing Augsburger Construction, noted that his request has to do with a tract of land owned by the Augsburger family

beside Harmony Heights that was on the agenda about a year ago, as to whether or not the Augsburgers could hook into the City's water and sewer system. Mr. Weaver noted at that time the Augsburgers were asked if they had any communication with the County. The Augsburgers presented their proposal to the County and did not receive a reply except that it was a City question of whether to provide water and sewer. Mr. Weaver explained that a few weeks later the City approved a one year moratorium on any water hookup to the County. Mr. Weaver further explained that in June, believing the Moratorium would be lifted, the Augsburgers had design standards done for the development of their tract of land showing that the water would flow by gravity into the existing city sewer system. Mr. Weaver further stated that Harmony Drive dead ends at the Augsburg tract and one section of Harmony Heights was developed specifically in a way that Harmony Drive would dead end at the fence line so that water and sewer lines could be installed. Mr. Weaver concluded in stating that the Augsburgers would like to renew their request with the City to find out what the potential and time frame is to developing this land and urge the City Council to give "constructive ideas." Mayor Green stated that the moratorium is still in effect until some other things are worked out.

✓ City Manager Milam presented a proposal for a gravity sewer from Summit Street to Kelley Street developed by City Engineer Wilcox along with back up calculation sheets and a diagram showing which way the sewer line would flow. Manager Milam noted that if the sewer is run by gravity it will be at the intersection of Summit and Gay street and will have to go through several pieces of private property. Manager Milam stated that the estimated cost of a gravity sewer would be around \$50,000 to \$55,000 plus easements. Manager Milam further stated that if a force main is constructed on Kelley Street, a gravity line will have to be built along Kelley Street plus a lift station to lift the sewerage up and over into the Kelley Street sewer at an estimated cost of \$67,000. Manager Milam noted that Rose Brown of 490 Kelley Street has made application, with payment of \$1,635, to the City for water and sewer. Manager Milam further noted that the Maddens at 463 and 475 Kelley Street have indicated that they would like to have sewer because they now have septic tanks. Manager Milam explained that the City's sewer design differs somewhat from the Northeast Community Association's (NCA) design in that the NCA's design shows the line running between lots 40 and 42 which would be too complicated because of the storm sewer. Manager Milam explained that the City designed the lines to run between lots 42 and 44 because there is more room plus it lends itself to another purpose in that there is a storm water problem on Kelley Street, and if a gravity sewer is constructed, a swell could be created to get the water out of Mr. Ronald Madden's backyard. Manager Milam further explained that the south side of the City's transportation building is not able to get gravity sewer, and there is a possibility of getting a grant. City Engineer Wilcox, stated that his recommendation is to put in the gravity sewer, explaining that the \$10,000 more that it will cost would be used up in one year with maintenance costs to a lift station. City Engineer Wilcox explained that with having to design the sewer and acquire easements, the earliest possible time that construction could begin would be around March or April. Council Member Rhodes offered a motion that the sewer proposal be approved. The motion was seconded by Council Member Shank and approved with a unanimous vote of Council. Mr. Ken Handrich, of the Northeast Community Association stated, for the record, that if the acquiring of easements etc. gets into a very delayed process of over a year, the NCA would like for City Council to have the option of approving the lift station. Manager Milam noted that if they get into a problem of acquiring the easements, the City has the authority to exercise condemnation.

✓ City Manager Milam presented for Council's approval a proposed resolution to approve the plan of financing by the Industrial Development Authority for the benefit of Sunnyside Presbyterian Home; revenue refunding bonds in an amount not to exceed \$15,750.00. City Attorney Thumma, after discussing the matter with Attorney Norvell Lapsley, explained that this bond issue would not affect the City's allocation because Sunnyside is a charitable organization. Attorney Thumma noted that there are no proposals at this time before the Industrial Development Authority for any other bond issues or any that are pending. Attorney Thumma explained that the County could not approve the bond issued because of some technicality pertaining the interest rates. Council Member Shank questioned if it is certain that the City does not assume any responsibilities whatsoever with approving the bond issue. Vice-Mayor Dingledine offered a motion that the resolution be approved subject to further clarification by the Mayor and City Manager. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam called on Attorney Jim Sipe, former member and chairman of the Parks and Recreation Commission, to present the recommendation from the Commission for the City of Harrisonburg to pursue a municipal golf course. Mr. Sipe explained that for a number of years the Commission has been pursuing the possibility of a municipal golf course and have employed the firm of Ault Clark and Associates Limited Golf Course Architects. Mr. Sipe called Council's attention to the master plan of the golf course noting that the advisability and need of a golf course has been unanimously endorsed by the Parks and Recreation Commission and the personnel of the Recreation Department. Mr. Sipe explained that the Commission has considered a number of possible sights and are now recommending the area behind the new middle school to be selected as the sight for the golf course. Mr. Sipe further explained that all the necessary land for the golf course is owned by the City and the entire project is within the City limits. Mr. Sipe also pointed out that by establishing this facility, the City would be fulfilling all the requirements set out in the annexation court order. Mr. Sipe further explained that based on figures from other municipal golf courses, it should be a profitable operation after a short period of time and not be a drain on City revenues, but rather a plus to help off set expenses of the Recreation Department. Mr. Sipe stated that the benefits would include: providing an excellent recreation activity for all people in the community, satisfying the need in the community, is at an affordable cost figure, will help promote tourism and entice small conventions to the area plus increase real estate values of the surrounding land. Parks and Recreation Director Gilkerson explained that the golf course would be located on the Lineweaver Property, noting that the city recently purchased 35 acres from Margaret Strate which ties everything from West Market Street back to the Strate property into Hillendale Park making it a magnificent location for a golf course. Recreation Director Gilkerson further explained that this is an ideal location because there would be a rear entrance to the golf course for maintenance from Hillendale Park. Gilkerson explained to Council that it will cost approximately one million dollars to build a first class golf course; but feels he could possibly get the costs down to \$750,000 with some of the work being done in house. Mr. Gilkerson further explained that there is already \$250,000 in the Parks and Recreation Revolving Fund; and he would like to propose that the Recreation Dept. be appropriated \$300,000 to get the project underway. Mr. Gilkerson stated that the driving range could be developed in the next three to four months so the city could be getting some revenue from the area while working on the entire golf course. Mr. Gilkerson stated that if everything goes as scheduled, in the first year, it

is estimated that 35,000 rounds of golf would be played on the course at a gross revenue amount of \$350,000 for green fees, \$70,000 for cart rentals, and approximately \$50,000 for driving range fees. By the third year, Mr. Gilkerson noted that it is estimated that 45,000 round of golf would be played with a gross revenue amount of \$450,000 for green fees and \$101,250 for cart rentals for a total of \$551,250. Mr. Love, from Ault Clark and Associates Limited, reiterated many of the points made by Mr. Sipe and Recreation Director Gilkerson. Mr. Love noted that statistics show that every 25,000 people in population can support one public golf course; with the population being estimated by taking the center of the golf course and striking a ten mile radius around the course, which in this area would be approximately 100,000 people. Mr. Love noted that this piece of land has a nice flow to it with good drainage and a source of water. Mr. Love further noted that this course would be easy to maintain; stating that good maintenance is essential to promote return play. Mr. Love concluded in stating that this golf course would be a great addition to the community. Mayor Green questioned how you arrive at a net cost from the projected gross figures, and what pay back period they are looking at. Mr. Love noted that the figures are based on research on a national wide averaging of public fees and feasibility studies and feels figures assigned to this feasibility study are very reasonable. Mr. Love explained that national averages for maintenance in this area are anywhere from \$150,000 to \$225,000 annually, but with city personnel maintaining the course maintenance costs would be lower. Recreation Director Gilkerson noted that with a well designed and maintained golf course they are looking at a five to six year payback for the cost of construction.

Mr. Robert William, former member of City Council and the Park and Recreation Commission, stated that he feels the golf course would be an asset to the City.

Mr. Todd Cook, city resident and golfer, stated that golfers today are faced with the frustration of not being able to get tee times and also noted that today it is financially difficult for young people to play golf. Mr. Cook also noted that it is an ideal location for youth to get to with the location being close to the new Middle School and with Public Transportation available. Mr. Cook concluded in saying that he feels it sends a good message to the young people showing that the community supports this kind of family activity, and he hopes the City Council supports this proposal.

Ms. Agnes Weaver, citizen, stated that she thinks it is great to see this kind of planning in the city, but does not see how the city can afford it, noting that the City had to obtain an increase from HEC for the middle school. Ms. Weaver explained that she is delighted in the purchase of the land but feels the timing is off for a municipal golf course when there are other things such as sewer capacity, schools, and roads to be considered.

Mr. Bob McNeil, citizen, stated that the Harrisonburg's parks and recreation department is the finest in the state and feels a municipal golf course would add the "crowning touch". Mr. McNeil stated that he feels Harrisonburg is ready for a municipal golf course, noting a time when he had to drive to Canaan Valley to play because of the local courses being too crowded. Mr. McNeil concluded in asking the Council to give very serious consideration to a municipal golf course.

Recreation Director Gilkerson stated that he would like to again ask that \$300,000 be appropriated in order to get plans ready to go by the first of the year. Mayor Green questioned if the plans had been run through the Planning Commission and City staff members. Mr. Gilkerson stated that the Planning Commission approved the idea in concept in 1986, and that the plans had been run through the administration of the City. Council Members Rhodes offered a motion that the plans for the municipal golf course be sent back to the Planning Commission and City staff for further review. The



motion was seconded by Council Member Shank and approved with a unanimous vote of Council. Vice-Mayor Dingledine noted that he thinks it should be studied as to where the \$300,000 will come from, because he will not be willing to do this at the sacrifice of other basic needs.

✓ Council Member Rhodes moved that a supplemental appropriation in the amount of \$40,000, requested by Sonja Bible, Director of Social Services, to meet State decreased appropriation for Fiscal Year 1988-89, be approved for a second and final reading, a first reading having been approved on August 23rd, and that:

\$40,000 chgd. to: VPA - Unappropriated Fund Balance

10,000 approp to: VPA (5-5301-1001.02) Joint Functions  
 10,000 approp to: VPA (5-5301-1001.04) Food Stamps  
 10,000 approp to: VPA (5-5301-1001.05) Eligibility -PA  
 2,500 approp to: VPA (5-5301-2005.01) Health Insurance  
 2,500 approp to: VPA (5-5301-2014.01) FICA, Retirement  
 2,500 approp to: VPA (5-5301-5101.01) Utilities  
 2,500 approp to: VPA (5-5301-5300.01) Insurance

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

✓ A request was presented from School Superintendent Alan Hiner to appropriate funds from the Federal government to conduct a Drug Education Program in the amount of \$8,134.00. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$8,134.00 chgd. to (2-3302.27) Anticipated Receipts  
 Drug Free School

400.00 approp. to: (2-1201-134.21) Comp. Elem. Sub. Teachers  
 400.00 approp. to: (2-1201-134.22) Comp. Sec. Sub. Teachers  
 1,379.00 approp. to: (2-1201-236.01) In service Training  
 1,650.00 approp. to: (2-1201-299.00) Other inst. costs  
 4,305.00 approp. to: (2-1201-305.00) Inst. Supplies

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

✓ A request was presented from Fire Chief Shifflett from a hazardous materials grant for equipment in the amount of \$89,862.37. Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

\$66,750.00 chgd. to: (1-2404.03) hazardous materials grant  
 23,112.37 chgd. to: (1-2201.13) fire programs funds

66,750.00 approp. to: (1-3505-5416.01) hazardous materials equipment  
 23,112.37 approp. to: (1-3201-7006.00) fire programs fund

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

✓ City Manager Milam presented a proposed agreement between Southern Railway Company, the City of Harrisonburg and Acorn Enterprises, Inc. concerning grade crossing improvements and installation of flashing light signals, and called on Assistant City Manager Roger Baker for comments. Mr. Baker noted that this is an agreement very similar to the one entered into with Wampler Foods and Southern Railway Company. Assistant Manager Baker explained that Mr. Gary Lee, developer of Acorn Enterprises, Inc, has developed a very nice industrial park, with the roadway completed from Virginia Avenue in to the railroad crossing. Assistant Manager Baker further noted that Mr. Lee has put water and sewer in and has been working with the railroad company for some time to get this agreement. Manager

Milam stated that this is a good location and the city is hoping to continue this street from Route 42 to Kratzer Road and then try to tie it from Kratzer Road to North 11. Council Member Shank offered a motion that the agreement be approved with authorization for the Mayor's signature. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Manager Milam explained that the Planning Commission had recommended a Board of Viewers be appointed to review the closing of 7th Street between Lee Avenue and Virginia Avenue; noting that Council had approved the recommendation but had not appointed the Board of Viewers. Council Member Rhodes questioned if the closing would be advisable with the rebuilding of Virginia in the area. Manager Milam added that the City does need this location for utilities and rights-of-way for the widening of Virginia Avenue, plus 7th Street intersects with Edom Road which could be a possible extension of the Edom Road intersection. Manager Milam stated that city staff is going to object to the closing. Mayor Green stated that if the recommendation is going to be denied, he does not feel the need to appoint a Board of Viewers, and that the request should be sent back to the Planning Commission. Council Member Rhodes offered a motion that the request to close 7th Street between Lee Ave. and Virginia Ave. be referred back to the Planning Commission with the additional information that has been received. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Council Member Shank questioned if the city is increasing the capacity of the parking lot adjoining the Municipal Building. City Manager Milam indicated that the parking lot was redone to solve some parking problems that occurred after the City purchased the old Sear building. Manager Milam informed Council that Litten, Sipe and Miller Law Firm is using the Sears building for storage since the fire.

✓ Manager Milam reported that a meeting is scheduled with the City's engineers to discuss the new water lines. Manager Milam explained that the main thing they are trying to do is to build a 24" new line from Route 701 (west of Weavers Church) to the Water Treatment plant roadway which is approximately one mile at an estimated cost of \$500,000. Manager Milam noted that the City's engineers have meet with the Highway Department, and there are concerns because of the number of lines the city has and crowded rights-of-way. Manager Milam explained that they are hoping to get the project underway by November or December. Manager Milam further noted that the water situation is considerably better than it was in June and July.

✓ City Manager Milam presented for Council's approval a resolution adopting and implementing the Integrated Flexible Benefits Plan for Employees. Manager Milam explained that because of the increase in Hospital care, the city has been looking at ways to reduce the costs. Manager Milam further explained that Blue Cross Blue Shield offers the Section 125, Flexible Benefit Plan or otherwise known as the Cafeteria Plan in which the City pays the employees Hospital coverage pretaxed. Manager Milam noted that this cuts taxes by taking Blue Cross Blue Shield off the top before taxes are paid. Vice-Mayor Dingledine questioned the problem it would cause in cutting down on retirement income. Manager Milam noted that the plan would be optional to employees. Following discussion, the resolution was tabled for further clarification.

Council Member Kite noted the following concerns: the need for an exit from Harrisonburg High School to the Armory, and the traffic problems at the intersection of Country Club Road, West Market Street and Vine Street.

Council Member Rhodes questioned where the money has been going that citizens have been paying for the E 911. Manager Milam noted that the money

goes to the City and the County.

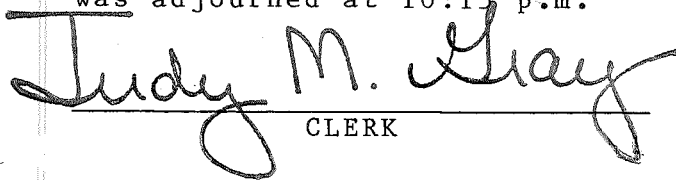
At 9:41 p.m., on motion of Vice-Mayor Dingledine, seconded by Council Member Shank, and a unanimous vote, Council entered an executive session to discuss legal and real estate matters.

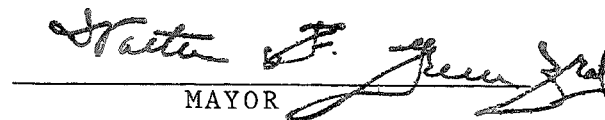
At 10:00 p.m., the executive session was closed and the regular session reconvened.

Vice-Mayor Dingledine offered a motion that Phoebe Orebaugh be appointed to serve on the Local Emergency Planning Committee. The motion was seconded by Council Member Shank and approved with a unanimous vote of Council.

Vice-Mayor Dingledine offered a motion that the purchase of the 34 acres from Margaret Strate be consummated and authorization granted for recording of the deed. The motion was seconded by Council Member Shank and approved with a unanimous recorded vote of Council.

There being no further business, on motion duly adopted, the meeting was adjourned at 10:15 p.m.

  
CLERK

  
MAYOR

**REGULAR MEETING  
TUESDAY, SEPTEMBER 27, 1988**

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

At 7:35 p.m., Mayor Green closed the regular session temporarily and called the evenings first public hearing to order. City Manager Milam read the following Notice of Public Hearing as advertised in the Daily News Record newspaper on Thursday, September 8th and September 22nd:

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 27, 1988, at 7:30 p.m., in the City Council Chamber, Municipal Building, 345 South Main Street, to consider the following rezoning request:**

**Request by Greg Liskey to rezone 1.7 acres of vacant land from R-2 Residential to R-3 Multiple Dwelling District, located 550' north of Old Furnace Road and 400' east of the Vine-East Market Street intersection. Purpose: to construct townhouses.**

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

✓ Greg Liskey, present at the meeting, asked the City Council to approve the rezoning request in that the proximity is surrounded by duplexes, townhouses and apartments. Mr. Liskey stated that he would like to construct townhouses on the project, and would be glad to answer any questions. Planning Director Sullivan called Council's attention to a large area map of the project and noted that the Planning Commission is recommending the rezoning of the land from R-2 to R-3. There being no others present desiring to be heard, the Public Hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Rhodes offered a motion that the rezoning request be granted. The motion was seconded by Council Member Shank and approved with a unanimous recorded vote of Council.

✓ At 7:48 p.m., Mayor Green closed the regular session temporarily and called the evening second public hearing to order. City Manager Milam read the following Notice of Public Hearing as advertised in the Daily News Record

Newspaper on Thursday, September 8th and 22nd:

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 27, 1988, at 7:30 p.m., in the City Council Chamber, Municipal Building, 345 South Main Street, to consider the following rezoning request:**

**Request by DMI Corporation and Robert & Joyce Jellum to rezone approximately 12 acres from R-1 Single Family Residential to R-3 Multiple Dwelling District, located on the south side of Port Republic Road between Hunter's Road and Devon Lane. Purpose: to construct 100 townhouses.**

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

Manager Milam explained that due to an error in the ad made by the Daily News Record, the ad was run for a third time to correct the item. Manager Milam called on City Attorney Thumma to clarify the objection concerning the error. Attorney Thumma explained that since the ad properly advertised the district that the request for rezoning was being made for then it is legally correct. Attorney Henry Clark, representing the DMI Corporation, called Council's attention to the City Zoning map and pointed out the subject property. Mr. Clark noted that the proposed rezoning property is surrounded completely by R-3 and R-4. Mr. Clark further noted that the density, which is allowable in the project, is 21 units per acre and that DMI's proposal is for 10 units per acre which is 1/2 the allowable. Mr. Clark stated that the DMI Corporation has an excellent reputation in always complying with everything that is requested and in doing a first rate job. Mr. Clark noted that "there is no better looking or attractive development in the City of Harrisonburg." Due to the close proximity to James Madison, Mr. Clark explained that the properties are mostly owned by students, or leased to students. Mr. Clark further explained that the DMI staff has first rate people overseeing the project, managing the project and in dealing with people, noting that over a period of six to eight months there were only four calls to the Police Department for disturbances in the area. Mr. Clark called on Mr. Tom Tingle, architect of the project, for further comments. Mr. Tingle called attention to the aerial photo showing the context of the project and pointed out the relationship of the project to the surrounding developments. Mr. Tingle explained that the proposed 100 townhouse units are laid out radially off of a public right-of-way designed to eventually tie into Hunters Ridge Road. Mr. Tingle further explained that the original sight concept was altered slightly after the Planning Commission's Public Hearing to offer more of a distance buffer between the project and the surrounding areas. Mr. Tingle noted that a proposed landscape berm had been designed to work with the existing trees and provide a sound and visual buffer. Mr. Tingle stated that the units are designed to be compatible with the existing condominiums, and that the living space is on the front of the unit to keep exterior function on the front yards. Mr. Tingle noted that 342 parking spaces are provided which meets the Zoning ordinance. Mayor Green noted concerns in that there is no assurance of a buffer zone and if there will be more enforcement provided to prevent episodes such as the recent all night party. Mr. Clark noted that Hunters Ridge has adopted a policy that there will be no more group parties. In answer to the buffer zone, Mr. Clark noted that when the DMI Corporation say they will build a buffer zone then they will. Mr. Clark noted that DMI intends to propose to the Homeowners Association that security be employed at night. Mr. Clark further noted that Hunters Ridge has a resident manager that holds regular office hours. Council Member Kite questioned how the over occupancy is controlled, noting that all over town this is a problem; and questioned what DMI will do to assure that the units will not be over occupied. Mr. Clark noted that this is not a problem at this facility. Mr. Nichols, project manager, stated that each month an inspector is sent to each unit for cleaning and inspection. Council Member Kite asked if DMI would be willing to state in writing that the buffer zone will be put in. Mr. Clark noted that they have no problem with doing that.

Mr. James Eby, of 357 Devon Lane, representing the Devonshire Homeowners Association, noted that he has lived in his home for 17 years and is opposed to the rezoning. Mr. Eby explained that they are not anti students, but simply want to be able to continue their own life styles. After giving a brief overview of what Devonshire Village is, Mr. Eby presented Council with a petition signed by residents of Devonshire, opposing the rezoning. Mr. Eby noted that they "want to preserve the quality of life they now have. Mr. Eby questioned what will happen if Mr. Nichols should sell his interest in the project. Mr. Eby passed around pictures of Devonshire Village, and noted that the Village presents a good image of life in Harrisonburg. Mr. Eby then passed around a picture of Hunters Ridge and stated that they hope the Council judges them by what they have seen in the pictures. Mr. Eby stated that there are presently 300 students living in Squire Hill, 640 in Hunters Ridge and DMI's proposal would add at least 400 more students to the area. Mr. Eby stated that if Council approves this request, "why is it that we don't matter to you, why so much in 50 acres?" Mr. Eby concluded in stating that he feels the purpose of zoning is "to protect the pre-existing interests of the citizens of a community."

Mr. Steve Daniel, of 1333 Devon Lane, read a letter on behalf of Mr. Robert Provot who was unable to attend. The letter summarized incidents that occurred on September 15, 1988, beginning at 11:20 p.m. when the Police Department was called because of extremely loud music coming from Hunters Ridge. Mr. Daniel explained that during the course of the evening the Police were called three times, with still no relief from the noise. Mr. Daniel noted that the elderly in the village are afraid to call the police and be identified for fear of being harassed and that small children have been awakened by firecrackers. Mr. Daniel concluded in stating that the density that will result from this rezoning will lead to more conflict and compound the existing problems, so therefore, it is his hope that the Council will deny the rezoning request.

Ms. Sally Fulton, of 1355 Devon Lane, noted that the Devonshire Village Homeowners Association goes on record as adamantly opposed to the rezoning, but would like to offer suggestions should the rezoning be approved. Ms. Fulton noted that the landscaping of the berms will determine their function; that it depends on how they are planted as to whether they will be a sight/sound barrier or party grounds. Ms. Fulton noted that the Association would like something in writing stating how the berms will be landscaped and that they will always be maintained. Ms. Fulton noted that another concern of the Association is the lack of security, giving for example the September 15th party. Ms. Fulton further noted that they are very concerned about no manager living on the premises; that daytime office hours are of no help to them at night. Ms. Fulton concluded in stating that her request is that if City Council does not deny the rezoning request, to please at least table the issue to give the Association a chance to further negotiate with the DMI Corporation to protect themselves and possibly receive acceptable written agreements as to the berms and security.

Mr. Bill Voige, of 1321 Devon Lane, President of the Devonshire Homeowners Association, stated that he too is opposed to the rezoning. Mr. Voige summarized the points brought out by the other speakers and noted that he feels they have presented Council with ample reasons not to approve the rezoning. Mr. Voige noted that they concur with the recommendation of the Planning Commission to not rezone the Jellum property. Mr. Voige noted that should the rezoning be approved, they "seek nothing more than written and enforceable agreements" and are asking nothing more than that the request be tabled to provide the Association the opportunity to further negotiate with the DMI Corporation.

Mr. John Zigler of 1385 Port Republic Road, spoke in favor of the rezoning.

Mr. Kent Miller of 1319 Devon Lane, stated that he is opposed to the rezoning and is very concerned about the noise level and the numbers in the area after having seen it first hand when delivering pizzas in the area. Mr. Miller noted that the students have no regard for other peoples properties or obeying the rules.

Mr. Bill Green of 1331 Devon Lane, asked why should the City approve a request

from an out of town developer; noting that there are "more less greedy, more imaginative, more caring developers who would appreciate the setting as it is."

One citizen questioned the water pressure in the area noting that since JMU has returned the pressure is down. Mr. Milam noted that the pressure in the neighborhood meets the State Health Department's requirements.

Mr. Henry Clark stated that the demand for a written contract between DMI and Devonshire Village for improvements "is completely without precedent in law of zoning or any law of regulation of construction or building." Mr. Clark stated that he does not mind making a commitment on behalf of DMI that the screening and berm proposed will be built but stated, "I know of nothing anywhere and have never heard of the suggestion that DMI submit a written contract to these people who adjoin them as to how their land will be developed." Mr. Clark stated that he disagrees with the concept to the intent and purpose of zoning. Mr. Clark noted that the purpose of zoning is for the benefit of the total community. There being no others desiring to be heard, the Public Hearing was declared closed at 8:55 and the regular session reconvened. Vice-Mayor Dingledine offered a motion that the matter be tabled for further consideration. Vice-Mayor Dingledine noted that he is disappointed that a written agreement is not acceptable, and would like to see further negotiations. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council. Mayor Green stated that the matter will be back on the agenda in two week for action.

✓ City Manager Milam presented and read a letter from Mr. Raymond Ressler requesting that lots 3 & 4 in block F of page 48 located at 900 and 908 South College Avenue in Park View be rezoned from R-2 to R-3. Council Member Shank offered a motion that this matter be referred to the Planning Commission. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Manager Milam presented for Council's information a certified letter from Hunton and William in Richmond concerning the \$14,620,000 in Industrial Development Authority Bonds that the City issued for the Residential Care Facility a Revenue Refunding Bonds (Sunnyside Presbyterian Home), Series 1988A. Manager Milam noted that it is required by the Virginia Code to file with the governing body the internal revenue form number 8038.

✓ Manager Milam called on Mr. Bill Wright, Local Manager for Warner Cable, for comments. Mr. Wright stated that he was pleased to announce that the rebuilt is proceeding well, and anticipate that the construction of the Harrisonburg system will be completed by the close of October 1988. Mr. Wright noted that they are currently converting people to the new system at the rate of about 100 per day. Mr. Wright called Council's attention to an area map and pointed out the areas of town that are not currently activated with the new system. Mr. Wright noted that the remaining areas of the City are 90% constructed with the new system of 28 channel basic, 6 premium services and paper view on an optional basis. Concerning the rate structure, Mr. Wright explained every home in the City will have a direct visit from a representative of Warner Cable to discuss what service they want; four to five days later the conversion is made and only then is the customers rate adjusted from the \$9.50 basic rate to \$12.95 per month. Mr. Wright noted that the three extension areas, Garbers Church Road, Smithland Road and Greendale will begin construction shortly, with construction on Smithland Road beginning next week. Mr. Wright noted that they anticipate customer conversions being completed by the first of December. A representative of Warner Cable addressed several questions from Council Member Kite and thanked the Council for their time and attention.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

**"...Mr. Martin Eby described a preliminary plan of development for a 120-unit apartment project on his 8.36 acre**



property on South Avenue, just west of the railroad tracks. Ten structures, each with twelve 4-bedroom units, will be on the site. The Plan shows 340 off-street parking spaces and strips of grass around the buildings. Mr. Dennis Rhodes said all structures will be above the 10-year flood plain (Blacks Run borders the south edge of the site) and the existing Eby Mill plus rail spur will be removed. The parking areas will be paved. Chairman Trobaugh asked Mr. Eby to submit a letter stating his schedule for removing the old mill and railroad tracks. Mr. Milam noted that Wayne Oxygen Supply is located on South Avenue at the entrance to Mr. Eby's property, and asked the Director to contact the Fire Chief about hazardous materials, if any, since living units will soon surround Wayne Oxygen if rezoning occurs. Mr. Hughes asked if fire equipment will be able to get in and out, especially to the units in the back portion. A citizen questioned South Avenue's adequacy for handling more traffic, especially if the project is to house J.M.U. students. Mrs. Shapiro asked if the trash collection stations will be enclosed or screened as required in the Zoning Ordinance, and Mr. Milam asked if the 120 units come under the new R-3 density limits? Mr. Cook said the 8.36 acre site with 120 units meets the 14 per acre maximum..."

Council Member Rhodes offered a motion that a public hearing be scheduled for October 25, 1988. The motion was seconded by Council Member Shank, and approved with a unanimous vote of the Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

'...The Final Plat for Acker-Lohr Partnership's 15 townhouse lots on Emerald Drive was presented to the Commission by Mr. J. R. Copper. The Director stated that water and sewer lines are in Emerald Drive, but they cannot be connected for use until Mr. Neff's lines are placed in nearby Evelyn Byrd Avenue. Messrs. Bill Neff and Ernie James told the Commission the connections will be made very soon. Mr. Jim Acker stated that the City will be "held harmless" regarding the utilities. Zoning Administrator Cook added that the site engineering plans for Acker-Lohr haven't been approved by the City, thus building permits will be held up. Mr. Copper said revisions to the site engineering plans are minor in nature and are being made as requested by the City.

Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

"...The Commissioners reviewed proposed Final Plats of Blue Stone Hills Subdivision, Section 1B and 3B. Mr. Copper described the plats, adding that Section 1B involves vacating lot lines in order to form a single 3-acre parcel. It fronts Blue Stone Hills Drive and it will have a narrow frontage on Evelyn Byrd Avenue. Section 3B is also one large parcel of 3.5 acres, located on the east end of Emerald Drive. Utility easements are on the boundaries of both Section 1B and 3B.

Mr. Hughes moved and Mr. Hartman seconded his motion for the Commission to recommend approval of Blue Stone Hills Subdivision, Section 1B and 3B. All members present voted in favor..."

Vice-Mayor Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

"...Mr. Bill Neff explained to the Commissioners his desire to establish 4 commercial lots on East Market Street across from Betts Road. One small lot will face Evelyn Byrd Avenue, currently under construction. A 50' wide access easement is shown serving Lots 2 and 3. Mr. Neff said this will later be developed as a public street with a cul-de-sac. It is aligned across from Betts Road.

Mr. Hughes moved and Mr. Hartman seconded his motion to recommend approval of Neff Properties Subdivision, Section 19. All members present voted in favor..."

Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

"...The Commissioners reviewed a Final Plat for Mary Baugher's resubdivision of three lots located on the east side of Grant Street, north of 4th Street. Mr. Sullivan explained that three 6,250 square foot lots will be reduced to two lots in the R-1 Single Family zone. Proposed Lot 1 will have 10,000 square feet and Lot 2 will have 8,750 square feet. A dwelling exists on proposed Lot 2.

Mr. Hartman moved for the Commission to recommend approval of the Mary Baugher resubdivision, with a variance on lot size requirements for Lot 2. Mr. Milam seconded the motion and all members present voted in favor..."

Vice-Mayor Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

"...Mr. J. R. Copper reviewed the Final Plat of Simmers Subdivision, Section 1, a three-lot commercial subdivision facing South Main Street and Pike Church Road (State Route 701). Mr. Copper noted that a commercial building exists on Lot 1, and easements for vehicular access and utilities are on the plat. The western end of Lots 1 & 2 are in the county, and any road entrances off State Route 701 will have to be approved by the State Highway Department.

Mr. Rhodes moved, and Mr. Hughes seconded his motion for the Commission to recommend approval of Simmers Subdivision, Section 1. The motion passed unanimously..."

Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

"...Mr. J. R. Copper told the Commission that Mr. Lowell Sharpes desires to establish two lots and also sell a 4' wide sliver of land (Lot 11A) to the owner of Lot 11 in Westwood Subdivision. The Sharpes home will thus be on Lot 13 and a new vacant Lot 12 will be established on Chestnut Drive.

Mr. Milam moved for the Commission to recommend approval of Westwood Subdivision, Section 2. Mrs. Shapiro seconded the motion which passed unanimously..."

Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

"...Mr. J. R. Copper told the Commissioners that Mr. Harry Flippo's two commercial properties, the BP Service Station and the Aloha Restaurant at 1000 and 1005 East Market Street, had never been officially reviewed or approved by the City 15 or so years ago. He described the new plat for Shenandoah Investment Corporation Subdivision, Section 1. Mr. Sullivan noted that a 24" concrete storm drain is located under the two lots, and Mr. Wilcox has requested an easement be added to the plat. Mr. Flippo agreed to this request.

Mr. Hughes moved for the Commission to recommend approval of Shenandoah Investment Corporation Subdivision, with an easement for the storm pipe. Mr. Hartman seconded the motion which passed unanimously..."

Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor

Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

"...In response to an August 29, 1988, letter from Mr. Bill Neff concerning Commissioner Shapiro's suggestion that Mall Street be renamed Neff Boulevard, Mrs. Shapiro moved for the Planning Commission to recommend that Mall Street be renamed Neff Boulevard. Mr. Rhodes seconded the motion which passed unanimously. Mall Street is under construction, from the Valley Mall parking lot westward to Reservoir Street..."

Vice-Mayor Dingledine offered a motion the Mall Street be renamed to Neff Avenue in that he does not feel the street is long enough to be called a boulevard. The motion was seconded by Council Member Kite, and approved with a majority vote of the Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

"...Attorney Henry Clerk, representing J. R. Copper, Charles & Douglas Funkhouser, and Olin B. Landis, brought forth new information concerning his clients' request for rezoning 10.627 acres of land on the south side of West Mosby Road from R-2 Residential to B-2 "Conditional" General Business. A map dated September 15, 1988, was discussed. It shows 4 proposed structures on "Parcel 2" and the words "Future Development" on "Parcel 3". Mr. Clark said its future use will be limited to these "Conditions": 1. Governmental, business & professional offices and financial institutions; 2. General service or repair shops permitted in the B-1 Central Business District but without the limitation as to the number of employees; 3. Warehousing and other storage facilities with floor area limited to 20,000 square feet, which are contiguous to permitted used in this district; 4. Funeral homes; 5. Accessory buildings and uses customarily incidental to any of the above listed uses. Mr. Clark noted that there is no logic for this area to remain R-2 Residential. He said "conditional zoning" is being used all across Virginia more than standard rezoning, but conditional zoning is not a substitute for special use permits. Mr. Hughes asked if this case wouldn't be "strip zoning"? Mrs. Shapiro asked if the applicants are opposed to reapply for R-3 Residential, which would permit professional offices. Mr. Rhodes expressed concern in that the September 15th map doesn't show a site plan (for parcel 3.) Mr. Clark replied that R-3 would exclude certain B-2 uses his clients want to be free to attract, and since City Council held its hearing on the B-2 Conditional application, a change to R-3 would mean a year's delay.

Mr. Hartman then moved for the Commission to recommend rezoning 10.627 acres (Parcels 2 & 3) from R-2 Residential to B-2 "Conditional" General Business, since the B-2 zone borders the southeast side of Parcel 3. Mr. Hughes expressed concern that a 20,000 square foot warehouse may eventually be placed on Parcel 3, and Mrs. Shapiro noted that 120 families live in adjacent Mosby Court. Mr. Clark responded that the management of Mosby Court does not object. Mr. Milam seconded Mr. Hartman's motion. Mr. Rhodes reminded all that the Commission has denied rezonings before, due to no site plan.

Mr. Hartman then amended his motion, to recommend that only Parcel 2 (4.632 acres) be rezoned from R-2 to B-2 "Conditional" Business, and Parcels 1 and 3 be tabled until the owners have site plans for development. Mr. Milam accepted the amended motion. All members present then voted in favor..."

Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 21, 1988:

"...Chairman Trobaugh outlined the Planning Commission's role of recommending land uses and their relationship to area land use patterns as well as city-wide land use patterns. The Commission does not deal with the

financing or the purchasing of property. He also noted that tonight's presentation is not a public hearing.

Parks and Recreation Director Gilkerson described plans for an 18-hole golf course, drawn in July 1988, by Ault, Clark & Associates of Wheaton, Maryland. The 160-acre City-owned property, situated between West Market Street and Hillandale Park, is topographically ideal, with City water available. Mr. Gilkerson said the golf course will be a great asset for all ages and it will be revenue-producing and a profitable operation. The old 1896 barn near West Market Street will become the maintenance station and golf cart storage area. Mr. Gilkerson added that the Planning Commission endorsed the concept of developing a municipal golf course in June 1986, when the VanPelt-Blouse-Lam site on Smithland Road and Old Furnace Road was proposed as a location for this use.

Mr. Hughes asked if a stream flows through the 160-acre site and Mrs. Shapiro asked if any well-drilling will be necessary? Mr. Gilkerson answered affirmatively. Zoning Administrator Cook asked if developing a golf course will attract residential development to the now vacant parcels in the area? Mr. Gilkerson said most golf courses are ideal neighbors for residential subdivisions. Planning Director Sullivan pointed out the large R-1 Single Family Residential zoning district, encompassing all of the new west side of Harrisonburg from north of West Market Street to south of Hillandale park, and from South High Street to west of Garber's Church Road. Mr. Sullivan also related the 160-acre City property to the Land Use Plan and the Community Facilities Plan. A golf course on this location fits in perfectly with said Plans and the Zoning Map. Mrs. Shapiro stated that she favors the concept, but is worried about the urgency to begin a \$1 million project. Mr. Gilkerson noted that the cost to construct a golf course will increase 10% every year it is delayed. Mrs. Shapiro said she has called several other golf course operators and believes the costs will run well above Mr. Gilkerson's estimates.

Mr. Hughes concluded the discussion with a motion for the Planning Commission to approve the concept of establishing an 18-hole municipal golf course on the 160-acre City-owned property between West Market Street and Hillandale park. Mr. Hartman seconded the motion. Voting in favor of the motion: Messrs. Hughes, Hartman, Trobaugh and Milam. Voting against: Mr. Shapiro. Abstaining: Council Member Rhodes.

Mr. Milam added that the Parks and Recreation Commission endorsed the project at its meeting on September 19, 1988, and Mr. Gilkerson added that the Smithland Road-Old Furnace Road property will someday be developed for park use, as ordered by the Annexation Court decision..."

Planning Director Sullivan called Council's attention to several maps including: the master plan for the municipal golf course, the land use plan map, and the community facilities map. Council Member Kite stated that this request needs to be tabled with no action taken, noting that "if we are a City with a planned future, then we have to operate on priorities." Council Member Kite explained the priorities should be schools, roads and water and sewer. Council Member Kite noted that the Parks and Recreation Commission did not come to Council and asked that the site be changed from the east side of the city to the west; and further noted that, to him, the information is incorrect. After doing some checking, Council Member Kite stated that he feels the figures are only 1/2 to 3/4 correct, and that the city needs figures as to other ways to finance the golf course along with an unbiased person to give an accurate account of all the costs. Council Member Kite offered a motion that the recommendation for approval of the concept of a municipal golf course be tabled at this time. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam presented a letter from Kathy Whitten, President of the Old Town Neighborhood Association, and called on Ms. Whitten for comments. Ms. Whitten explained that the Old Town Neighborhood Association met recently to consider some of the concerns of the neighborhood which include the density problem and the continuing expansion of James Madison University. Ms. Whitten further explained that the Association couldn't come to any conclusion and want

to ask the Council to study their concerns and consider an expansion of the R-1 zone in the Neighborhood. Ms. Whitten noted that the Association would be happy to provide a petition or form a committee to meet with Council and discuss these concerns. Vice-Mayor Dingledine offered a motion that this matter be referred to the Planning Commission. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read a request from the School Board concerning subsidized and non-subsidized equipments. Manager Milam explained that the State Board of Education is offering equipment worth approximately \$37,500, in which the City Council will have to approved a resolution authorizing the borrowing of, through the Public School Authority next May. Manager Milam noted that the General Assembly has indicated that they have only funded the principal and interests payments for one year, and have given no assurance that they will continue to fund it. Manager Milam asked approval of the proposed resolution:

**WHEREAS the Harrisonburg City Council recognizes the need to expand learning experiences now available through technology to students in the Harrisonburg city School Division, and**

**WHEREAS the Harrisonburg City School Board is eligible for approximately \$37,500 in subsidized technological equipment through the Governor's Education Technology Initiative Procurement and Financing Program,**

**WHEREAS the Governor's Education Technology Initiative Procurement and Financing Program provides a vehicle for the purchase and financing of microcomputer, satellite and associated equipment at a substantial savings to participating localities,**

**WHEREAS the Harrisonburg City School board has requested the approval of the Harrisonburg City Council to participate in this program:**

**NOW, THEREFOR BE IT RESOLVED, by the Harrisonburg City Council that it does hereby authorize the city manager to sign the Memorandum of Agreement between he city and the Department of Education authorizing participation in the Governor's Educational TEchnology Initiative Procurement and Financing Program for the purchase and financing of approximately \$37,500 of subsidy eligible equipment, and**

**BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to transmit the Letter of Agreement to the Department of Education on behalf of this board.**

Vice-Mayor Dingledine offered a motion to approved the resolution in view of the fact that the equipment would be beneficial to the schools. The motion was seconded by Council Member Shank, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented and read the following extract taken from the minutes of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, September 20, 1988:

**Vine Street and Meadowlark**

In regard to accidents on Vine Street, Chief Presgrave reported that during the past four years there have been five accidents along Vine Street. All of the accidents were caused by driver error and all involved cars making left hand turns. No speeding was involved in any of the accidents; no trucks were involved.

In regard to his department's traffic count conducted on Vine Street at Meadowlark Dr. on Sept. 14, 1988, Jim Baker reported that there were 5,438 vehicles in a 12 hour period and that approximately eight percent of these vehicles were trucks over 1 tons. Most of the larger trucks were traveling from the quarries north of the city to the cement and asphalt plants in the eastern part of the City

It was noted that the current construction on the Route 11 corridor north of the city would soon improve truck flow from the Route 11-Interstate 81 exchange north of the city and should eliminate a number of trucks currently using Vine Street to reach Interstate 81. Some trucks will continue to use Vine Street, however, because of the location their

businesses.

As discussion continued, it was noted that the speed limit on Vine St. is 25 MPH, the pavement width is 36 feet, and according to correspondence from the State Dept. of Transportation "East Vine St. has been designated as a northern loop to Route 11 (North Main Street)," Following further discussion of the area, and in view of the reports given, Secretary Tamkin motioned that since Vine Street is currently serving its designated purpose as a collector street, that the Commission recommend to City Council that no changes be made at this time. The motion was seconded by Jim Baker and approved by unanimous vote of the Commission.

Mr. Harold D. Lee of 810 Meadowlark Drive, representing 200 residents of the area, stated that they are present at the meeting to again ask City Council that something be done about the truck problem on Vine Street. Mr. Lee stated that after a six week delay, they received a report from the Harrisonburg Transportation Safety Commission, and noted that the report never addressed the problem. Mr. Lee explained that the report only gave reasons why there are trucks on Vine; and stated that the report concluded that since the Street was serving its purpose as a collector street nothing should be changed, thus ignoring the noise, air pollution and danger that exists.

Mr. Lee stated that the trucks should use Highway 33 west to Mason Street and then onto Highway north 11 as they did before Vine Street was open. Council Member Kite stated that Vine Street might have been put on a map as a through street but it has not developed that way. Council Member Kite further stated that the situation is there and these citizens deserve some type of help. Council Member Kite offered a motion that for six months no through truck signs be put on Vine Street. The motion was seconded by Council Member Shank, and approved with a majority vote of Council.

✓ City Manager Milam presented and read the following extract taken from minutes of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, September 20, 1988:

**Reviewing their on-site notes about these intersection, the Commission members recommend to City Council that every effort be made to finance the State Transportation Department's recommended design of these intersections including coordinated traffic signals at Country Club Road and Vine Street and at Vine and East Market Streets as soon as possible. As a short term aid to improving traffic flow and in accordance with the State Department's design, the Commission would also recommend to Council that the curbing on Vine Street at East Market in front of the High's Store be moved so that Vine Street could be widened to include a right turn lane onto East Market Street as soon as funds and manpower are available.**

Council Member Rhodes offered a motion that the recommendation of the Harrisonburg Transportation Safety Commission be approved. The motion was seconded by Council Member Shank, and approved by a unanimous vote of Council.

✓ City Manager Milam presented and read the following extract taken from minutes of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, September 20, 1988:

**In regard to improving traffic flow along East Market at Carlton St. and Cantrell Ave., the Commission members recommend to Council that the right turn lanes be added on Carlton Street east and westbound onto East Market Street and on East Market Street northbound onto Carlton Street as soon as possible.**

Council Member Kite offered a motion that the recommendation of the Harrisonburg Transportation Safety Commission be approved. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read the following extract taken from minutes of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, September 20, 1988:

**Summarizing the reports given at the Commission's last meeting, Chief Presgrave noted that from 1983 until 1987**

there had been three accidents along Bruce Street; and Jim Baker noted that there was a count of 1500 vehicles at Bruce and Ott Streets with almost half of the vehicles traveling north and/or south on Ott Street. It was noted that speed was not a problem. Following an extensive discussion of traffic pattern alternatives presented to the Commission by Mr. David Schrock, Julius Ritchie motioned that, in light of the reports given, Bruce Street was designed and functioning as a through street, but was in need of improvement by being paved to its full width from Mason Street to Myers Ave. and that the Commission recommend to Council that this paving be done as soon as funds become available. Also, it was motioned that for immediate improvement of the sight distance at Bruce and Ott Streets the four corner curbs be painted to prohibit parking too near the corners. The motion was seconded by Jim Rhodes and approved by a unanimous vote of the Commission.

Mayor Green noted that he had received numerous calls from citizens opposed to improving the street because of the increased traffic. Vice-Mayor Dingledine offered a motion that this matter be tabled for further study. The motion was seconded by Council Member Shank and approved with a unanimous vote of Council.

✓ Council Member Rhodes moved that a supplemental appropriation in the amount of \$89,862.37, request by Fire Chief Shifflett for State Grants for equipment, be approved for second and final reading, a first reading having been approved on September 13, 1988, and that:

\$66,750.00	chgd. to: (1-2404.03)	hazardous materials
		grant
23,112.37	chgd. to: (1-2201.13)	fire programs funds
66,750.00	approp. to: (1-3505-5416.01)	hazardous
		materials
		equipment
23,112.37	approp. to: (1-3201-7006.00)	fire programs
		fund

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 the amount of \$8,134.00, requested by School Superintendent Hiner to appropriate funds from Federal government to conduct a Drug Education Program, be approved for a second and final reading, a first reading having been approved on September 13, 1988, and that:

\$8,134.00	chgd. to (2-3302.27)	Anticipated Receipts
		Drug Free School
400.00	approp. to: (2-1201-134.21)	Comp. Elem. Sub. Teach.
400.00	approp. to: (2-1201-134.22)	Comp. Sec. Sub.
		Teachers
1,379.00	approp. to: (2-1201-236.01)	In service
		Training
1,650.00	approp. to: (2-1201-299.00)	Other inst. costs
4,305.00	approp. to: (2-1201-305.00)	Inst. Supplies

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

✓ Vice-Mayor Dingledine expressed concerns over the dirt road in Pleasant Hill Acres along Sharon Street. Assistant City Manager Baker noted that the City does not own the right-of-way there.

✓ Council Member Rhodes noted the need for a street light on East Washington Street just west of the water tank.

✓ Council Member Rhodes also expressed concerns over the high water bills citizens have been receiving. City Auditor Peterman noted that some of the recent water bills were for a 40 day period, and that the billing should be caught up by the end of October.

✓ At 10:25 p.m., on motion adopted, Council entered an executive session to discuss personnel.

At 11:00 p.m., the executive session was closed and the regular session



380

reconvened. There being no further business, on motion adopted, the meeting was adjourned at 11:01 p.m.

Judy M. Gray  
CLERK

Walter F. Green  
MAYOR

REGULAR MEETING  
TUESDAY, OCTOBER 11, 1988

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; Vice-Mayor Raymond C. Dingledine, Jr.; Council Members Elon Rhodes, Charles Shank, Curtis Kite; City Clerk Judy Gray; and Chief of Police Richard Presgrave. Absent: City Auditor Philip Peterman and City Manager Marvin B. Milam. (Assistant City Manager Roger Baker sitting in for Manager Milam.)

Minutes of the regular meeting held on September 13, 1988, and September 27, 1988, 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 September, 1988.

From the City Treasurer

A trial balance report for the month of September, 1988.

From the Police Department

A report of fines and costs collected - \$5,172.05; Cash collected from street parking meters - \$7,523.00; total cash collected during the month of September, 1988, paid on accounts and turned over to the City-Treasurer - \$12,695.05.

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices from the month of September, 1988, in the total amount of \$392.65.

↓ Assistant City Manager Baker presented for Council's information the Shenandoah Valley Regional Airport Commission's Financial Statements for Fiscal year 1987-88 and noted the report is on file in the Manager's Office.

↓ Assistant City Manager Baker presented a rezoning request from Mr. James V. Lane, on behalf of Sony and Menno Brunk, to rezone the property known as 1640 and 1650 Virginia Avenue from R-3 to B-2. Council Member Shank offered a motion that the request be referred to the Planning Commission. The motion as seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

↓ Mayor Green called Council's attention to correspondence received from the DMI Corporation and called on Attorney Henry Clark for comments. Mr. Clark noted that he had updated copies of the contract and would like to have as a matter of record, the Planning Plan that is referred to in the contract and a copy of the contract filed with City records. (A copy of contract and plans located in the Clerk's office.) Vice-Mayor Dingledine asked what the changes to the contract were. Mr. Clark noted that in the updated copy the Devonshire Home Owners Association was made a party of the contract and executed the contract plus the following statement was added: ... which plans will be filed as a part of the records of the rezoning with the City of Harrisonburg. Mr. Clark noted that another small change was in the signature line for the Devonshire Home Owners. Mr. Voige, President of the Devonshire Home Owners Association, noted that the Association would like to again go on record as opposed to the rezoning. Mr. Voige further noted that the Association supports the Planning Commission's recommendation to not rezone the Jellum property because of no plan of development. Mr. Voige further noted that their opposition to the rezoning is based entirely on the large number of students that will be living adjacent to them. Council Member Kite questioned how much building could go on in this area until Port Republic Road would need to be upgraded to handle the increased traffic. Assistant City Manager Baker noted that Port Republic Road is included

in the 1991 Thoroughfare Plan, but at present, is not on any priority list. Council Member Rhodes offered a motion that the recommendation of the Planning Commission to rezone DMI's request for R-3 Multiple Dwelling District, but excluding the Jellum parcel be approved. The motion was seconded by Dr. Shank, and approved with a unanimous vote of the Council.

✓ Assistant City Manager Baker called on Street Superintendent Jim Baker to give a report on Highway Maintenance Funds that are received from the State Highway Department. Mr. Baker stated that since 1985, detailed reports have to be submitted to the State on how this money is spent along with a thorough audit. Mr. Baker explained that the City funding is based on the number of lane miles in the city, in which the City of Harrisonburg has 234. Mr. Baker further explained that the City was paid \$8,683 per lane mile for arterial street and \$5,098 per lane mile for collector streets. Mr. Baker stated that these figures are set by the State and used State side. Mr. Baker noted that the City spent a total of \$2,091,045 in FY 87-88 on collector, arterial and non-allowable streets, further noting that the City received \$1,448,916.50 from the State Highway Department. Mr. Baker explained that the City added 3.5 miles of new streets in 1987-88 and anticipate adding 4 more miles of new street this year. Mr. Baker noted that prior to annexation the City had 66 miles of street, and now are in excess of 110 miles. Mr. Baker further noted that Va. Ave. North will be added next year. Mr. Baker explained that it is getting harder and harder to keep up the current maintenance level with the increase of streets and that they need to look at an increase in revenues to help with the maintenance. Mr. Baker explained that only two employees have been added since annexation, and that they are contracting out certain project to try to keep up. Mr. Baker answered several questions from the Council Members, and concluded in saying that he would like to stress that the City is taking on a lot of new streets that have to maintained. Mayor Green commended Mr. Baker for doing such an outstanding job.

✓ Assistant City Manager Baker presented for Council's information Harrisonburg Electric Commission's schedule of rates and charges for decorative street lighting. Mr. Baker noted that this will be no additional cost to the City and has been approved by the Harrisonburg Electric Commission. Mr. Baker further noted that this type of street light will only be applicable where there are underground utilities.

✓ Assistant City Manager Roger Baker called on Mr. Curtis Poe, Executive Director of the Regional Sewer Authority to present the Authority's annual report. In summarizing the report, Mr. Poe pointed out that over the past fiscal year the plant flow averaged 6.7 million gallons per day, which was up 5% over the last year. Mr. Poe explained that plant flow related directly to the amount of rain fall, thus making it difficult to make plant flow projections. Mr. Poe further noted that the plant is rated as an 8 million gallon per day which he anticipated approaching that amount in the early 1990's. Mr. Poe explained that he has applied to the State Water Control Board to have the plant capacity increased from 8 million gallons per day to 12 million per day. Mr. Poe noted that no action had been taken to date but he would like Council's support of this request when it reaches the public hearing stage. Mr. Poe explained that the capital improvements project is nearly complete and noted that this project has been extremely helpful in giving greater reliability during the high and low period. Another area Mr. Poe discussed was the State requirements on discharge limitation, noted that every year they get more and more strict on their requirements. Mr. Poe explained that this year they adopted new regulations on monitoring toxins which is increase costs of monitoring from \$4000.00 per year to \$20,000.00 per year. Mr. Poe stated that this area was one out of ten in the State of Virginia to be accepted for the State Energy Program. In concluding Mr. Poe stated that he was pleased to report that for the past year they were 7% under budget on operation costs, with an increase in revenues of 13%. Mayor Green questioned as to how they were doing with the infiltration. Mr. Poe noted

that they are not seeing any results from the efforts, but reports show they are finding out where many of the problems are. Assistant Manager Baker noted that the City is currently waiting on a report from Wiley and Wilson on the Dry Period Flow.

✓ Assistant Manager Baker called on Fire Chief Shifflett for a report. Chief Shifflett called Council's attention to the Hazardous Materials Emergency Operation Plan which was formulated by the Harrisonburg-Rockingham Local Emergency Planning Committee to comply with the requirements set by PL 99-499, Superfund Amendments and Reauthorization Act of 1986. Chief Shifflett explained that he is presenting the Plan to Council for their approval, then it will go Rockingham County for approval and then on to the State for approval. Chief Shifflett summarized certain elements that were required in the plan and noted that Harrisonburg Team is a composite team composed of Rockingham County, Augusta County and the City of Harrisonburg. Council Member Shank questioned the increase of hazardous spill on Interstate 81. Chief Shifflett noted that this is their biggest worry and is afraid that it is not going to get any better. Vice-Mayor Dingleline offered a motion that the Hazardous Materials Emergency Operation Plan be adopted. The motion was seconded by Council Member Shank, and adopted with a unanimous vote of Council.

✓ A request was presented from City Manager Marvin Milam, for approval of a transfer of funds in the amount of \$600,000.00, from the General Fund to fund the Regional Sewer Authority's Capital Improvement Project. Council Member Rhodes moved that the transfer be approved, and that:

\$600,000.00 trans. from 1 - General -  
Unappropriated Fund Balance  
\$600,000.00 trans. to 4 - Sewer -  
Unappropriated Fund Balance

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 the amount of \$178,448.87, to recover funds received from the Virginia Dept. of Transportation from Mt. Clinton Pike Industrial Access Project. Funds are to be used for scheduled street construction and maintenance projects. Vice-Mayor Dingleline offered a motion for the appropriation to be approved for a first reading, and that:

\$178,448.87 chgd. to: General (1901.01)  
Recoveries & Rebates  
75,000.00 approp. to: General (1401.7011.00)  
Street - Work in Progress  
Vine Street  
50,000.00 approp. to: General (4102-7011.15)  
Street - Work in Progress  
53,448.87 approp. to: General (4102-7012.00)  
Street - Work in Progress

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

✓ Assistant City Manager Baker reported that \$167,032.33 has been received in revenues for the E-911 with \$111,538.45 having been expended leaving a balance of \$56,000 which will be used for maintenance. Assistant Manager Baker noted that monthly maintenance costs will run around \$195,000. Vice-Mayor Dingleline noted that Joe Paxton and Fire Chief Shifflett should be commended for their work with E-911.

✓ For Council's information, Assistant City Manager Baker reported that three bids were received for the Harrisonburg-Rockingham Community Services Board addition, with the low bid at a cost of \$863,000 which is \$140,000 above the anticipated funding. Assistant Manager Baker noted that the architect is negotiating with the bidder to see if they can get the cost down.

At 8:45 p.m., on motion adopted, council entered an executive session to

discuss legal and personnel matters.

At 9:50 p.m., the executive session was closed and the regular session reconvened. There being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray  
CLERK

Walter E. Green  
MAYOR

**REGULAR MEETING  
TUESDAY, OCTOBER 25, 1988**

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingleline, Jr.; Council Member Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Minutes of the regular monthly meeting held on October 11, 1988, were approved as read.

✓ City Manager Marvin B. Milam presented and read a letter from the SB & F Company requesting that the lot located at 1231 North Main Street be rezoned from R-2 Residential to B-2 General Business use. Council Member Shank offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Marvin B. Milam presented for Council's information Harrisonburg Electric Commission's Financial Report, dated June 30, 1988. City Manager Milam noted that assets totaled \$23,968,965 in 1987, and \$25,941,818 in 1988. City Manager Milam reported that the report is on file in the Manager's office for review.

✓ City Manager Milam presented and read a letter requesting that the City of Harrisonburg consider including in the city street system, Toni Street, which is located on the northeast side of East Market Street and is part of the property owned by RAC-Harrisonburg, L.P. Vice-Mayor Dingleline offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ At 7:38 p.m., Mayor Green closed the regular session temporarily and called the evening's first public hearing to order. City Manager Milam read the following Notice of Public Hearing as advertised in the Daily News Record Newspaper on Thursday, October 6th and 20th:

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 25, 1988, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, to consider the following rezoning request:**

**Martin Z. Eby's request to rezone 8 acres located on the south side of South Avenue from M-1 Industrial to R-3 Multiple Dwelling District. The site includes the Eby Feed Service and mill structure. Purpose: to develop student housing project.**

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

Planning Director Bobby Sullivan called Council's attention to the zoning map and noted the rectangular area that is west of the railroad tract and just west of South Main Street. Mr. Sullivan then called attention to the Eby map and noted that there will be 10, 12-unit buildings designed for student occupancy, with each unit having 4 bedrooms. Mr. Sullivan noted the private road, parking spaces and green areas. Mr. Sullivan explained that the building will be above the 10-

year flood plain and noted that there was no opposition to the rezoning but there was some concern over the increased traffic on South Ave. Mr. Martin Eby explained that they plan to remove the mill buildings and build the 10 units, noting that they will have 420 parking spaces which is 3 1/2 per apartment as required by code. Mr. Martin stated that they plan to have a very attractive building and plan to have high quality residents. Vice-Mayor Dingledine questioned if a stop light had been requested at South Ave. and South Main. Council Member Rhodes noted that the Transportation Safety Commission recommended a light there and City Council has approved it, but the necessary funding has not come from the State yet. There being no others desiring to be heard the public hearing was declared closed at 7:44 p.m. and the regular session reconvened. Council Member Rhodes offered a motion that the rezoning request to rezone 8 acres on the south side of South Ave. from M-1 to R-3 be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 19, 1988:

**"...The Commissioners studied a revised Final Plat of Section 19, Neff Properties, a 4-lot commercial subdivision with frontage on East Market Street and Evelyn Byrd Avenue. Mr. Bill Neff told the Commission that proposed Betts Court, a 700' long cul-de-sac street, was not shown as a public right-of-way on the Plat submitted and approved in September. The revised plat reflects the acreage changes for Lots 2 & 3 and Betts Court as a public street. It will be aligned with Betts Road. Mr. Neff said he will be responsible for building Betts Court and he will get it underway in early 1989. Storm drainage will flow toward East Market Street.**

**Mr. Hughes moved for the Commission to recommend approval of the Final Plat of Revised Section 19, Neff Properties. Mrs. Shapiro seconded the motion and all members present voted in favor..."**

Planning Director Sullivan noted that the acreage for Lots 2 and 3 will be decreased slightly. Vice-Mayor Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 19, 1988:

**"...Messrs. Bill Neff and J. R. Copper explained to the Commissioners that Lot 4 in Skyline Village Subdivision is one of the outer parcels of Skyline Village Shopping Center, and the owner wants to divide Lot 4 into two lots. The frontage along East Market Street is curbed and all necessary easements are shown on the plat.**

**Mr. Rhodes moved and Mr. Milam seconded his motion to recommend approval of the resubdivision of Lot 4, Skyline Village Subdivision, Section 1. All members present voted in favor...."**

Planning Director Sullivan called Council's attention to a large area map and noted that the developers plans to divide Lot 4 into 2 lots. Vice-Mayor Dingledine questioned if the lots will have ingress and egress onto East Market Street. Mr. J. R. Copper explained that they will enter and exist through the entrance to the shopping center and will also have ingress and egress parallel to East Market Street. Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Dingledine and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 19, 1988:

**"...The Director oriented the Commissioners to various locations of the four different sections being reviewed. He noted that all sections front on either Neff Avenue or Evelyn Byrd Avenue. Chairman Trobaugh asked if the owners of Valley Mall are aware that Neff Avenue is being connected with "Ring Road" which circles the mall's parking lots. Attorney Henry**



Clark assured the Commission that long negotiations took place to set up the layout of streets. Mr. Sullivan reported that 10' easements will be provided along all side and rear lot lines.

Mr. Hughes moved, and Mr. Rhodes seconded his motion for the Commission to recommend approval of Deyerly Subdivision, Sections 19, 25, 26 and 27. All members voted in favor..."

Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 19, 1988:

"...The Commissioners studied the Final Plat for Blue Stone Hills Subdivision, Section 3C. Mr. Ernie James explained that the 1.377 acre parcel has frontage on Crystal Lane and Emerald Drive, which have been constructed with curb and gutter, water and sewer lines are in both roads, and the contract owner/developer, K & B Associates, will likely build multiple housing on the property. Mr. Copper noted that utility easement and a storm drainage easement are on the plat. The Director reported that water and sewer service will not be available until the lines are completed in nearby Evelyn Byrd Avenue and Neff Avenue.

Mrs. Shapiro moved, and Mr. Rhodes seconded her motion for the Commission to recommend approval of Blue Stone Hills Subdivision, Section 3C. All members present voted in favor..."

Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 19, 1988:

"...Attorney Henry Clark explained the Final Plat for Hartman Subdivision, consisting of one commercial lot of 4.173 acres on South Main Street, immediately north of Truck Enterprises, Inc. Mr. J. R. Copper showed the location on the Site and Grading Plan for Truck Enterprises. This plan was reviewed by City Staff in 1984. A 20' sewer easement is located along the east border (Interstate 81) of the property.

Mr. Rhodes moved and Mr. Hughes seconded his motion to recommend approval of Hartman Subdivision, Section 1. All members present voted aye, with Mr. Dwight Hartman abstaining..."

Council Member Kite offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 19, 1988:

"...The Commissioners reviewed a map showing the proposed resubdivision of Lots 15, 16, 38 & 39 in Masters and Brown Red Hill Addition. A letter from Robert Bothamley was also reviewed. Mrs. Bothamley told the Commissioners that Bothamley Construction Company is asking the City to vacate the existing lot lines and approve two lots... a 6,268 square foot lot for the existing house at 593 Hawkins Street, and a 12,000 square foot lot facing Norwood Street. Chairman Trobaugh questioned the 5' distance between the existing house and the proposed new lot line. Zoning Administrator Cook noted that 25' is the minimum setback requirement for rear yards, and parking lots aren't allowed in front yards at apartment projects. Mr. Rhodes noted that serious storm water problems have plagued Norwood Street a few feet from these lots

Mr. Hughes concluded a lengthy discussion with a motion for the Commission to recommend approval of the resubdivision of Lots 15, 16, 38 and 39 in the Masters and Brown Red Hill Addition, if the new lot line is located at least 25' from the existing single family dwelling. Mrs. Shapiro seconded the motion and all members present voted in favor. Mrs. Bothamley indicated that she would have a revised plat in the

**Planning Office by October 21st..."**

Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 19, 1988:

"...Attorney Henry Clark reviewed his client's request to have undeveloped North Willow Street closed, from 3rd Street to Chicago Avenue, plus an undeveloped 15' alley between 3rd and 4th Streets. The property had been part of the Dan Hartman Airport many years ago. Mr. Sullivan reported that City Staff agrees with the closing requests, but needs to reserve an easement for utilities in the Willow Street strip, preferably a 50' wide easement. H.E.C. has an overhead line in place at present. No other city utilities are in the street. Mr. Clark added that in the near future, his client will request some rezoning and vacating of Lots 1 through 14 in Block P on Page 39 of the City Block Map.

Mr. Hughes moved, and Mr. Hartman seconded his motion for the Commission to recommend that North Willow Street be closed, from 3rd Street to Chicago Avenue, with a 50' easement remaining for utilities, and that a 15' alley be closed from 3rd Street to 4th Street. All members present voted aye, adding that a Board of Views would have to visit the site and report its findings to the City Council..."

Planning Director Sullivan noted that this matter has been thoroughly reviewed and all bases covered as far as the City's or other utility companies future needs for the easements in North Willow. Planning Director Sullivan further noted that the Commission is favoring closing North Willow from 3rd St. north. Attorney Henry Clark explained that they are aware of the power line that goes through the area and noted they are working on getting that easement moved to another location so as not to interfere with the development in this area. Vice-Mayor Dingleline offered a motion that the present Board of Viewers be reappointed to review the closing of the referenced portion of North Willow Street and the 15' alley from 3rd St. to 4th St. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ In reference to the proposed gas franchise ordinance, City Manager Milam, stated that he would like to ask Council's permission to advertise the proposed franchise in the local newspaper, noting that according to the State Code Section 15.1308 the City is required to advertise a descriptive notice of the proposed franchise for four successive weeks. Manager Milam explained that he would like to advertise the franchise ordinance on Friday, October 28, November 4th, 11th and 18th.. Manager Milam noted that on the 18th he will include all information for a second reading with the first reading to be held on November 8th. In doing this, Mr. Milam explained that the Council will be in a position to receive the bids because they are required to receive the bids at a public open session. Manager Milam stated again that all he is asking for is permission to advertise the proposed franchise ordinance in accordance with the State Code. Mr. Tom Altizer, Regional District Manager of Columbia Gas, stated that he would like to ask for Council's approval of a right-of-way or permit to install and complete the installation of the 6 inch line that serves the Bridgewater and Dayton area. Mr. Altizer noted that they have six miles of the line in the ground with approximately only two more miles to install. Mr. Altizer further stated that he was present to pledge to the Council "his good faith and word that he will proceed with all hast in working toward getting the franchise in order." Mr. Altizer apologized for the franchise ordinance having lapsed, but noted he felt they had made good progress in the past couple of weeks in working out an agreement on the franchise renewal with the City. Vice-Mayor Dingleline offered a motion to authorize the City Manager to advertise the proposed gas franchise agreement according to the State Law. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council. Mayor Green noted that the

City Council would get back to Columbia Gas on the permit matter. Manager Milam noted that the proposed location for the gas line is on the southwest side of the City and will run parallel to the existing sewer line up through Hillandale Park and the Lineweaver property to Market Street where it will turn and go east along Market street in a reserve 50 foot strip. Mr. Altizer noted that the Gas company originally wanted to go down Dogwood street, but at the City's request, they agreed to go through the park and down Market Street at an additional cost of \$50,000. Mr. Altizer concluded in stating that if the City needs to have inspectors present with the gas company's contractors while work is in progress, Columbia Gas will be willing to compensate the City for the cost of having to do this.

✓ City Manager Milam presented and read the following resolution for Council's approval.

**BE IT RESOLVED, that curfew is hereby declared, to be effective and enforced at and after the hour of 11:00 p.m. on the night of Monday, October 31, 1988, (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 \_\_\_, 1988.

#### CITY OF HARRISONBURG

Vice-Mayor Dingleline offered a motion for the resolution to be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's approval a proposed agreement between the City and the Virginia Electric and Power Company dated September 27, 1988. Manager Milam explained that this is for a 25 foot easement on the park land, where the gas line is going through. Manager Milam stated that the Conrads have asked HEC to relocate the powerline along the property lines. Manager Milam noted that since the Conrads have agreed to a 25 foot easement then the City should also agree to a 25 foot easement. Manager Milam explained that the 25 foot easement is being shared by Va. Power and HEC. Council Member Rhodes offered a motion to approve the agreement between VEPCO and the City of Harrisonburg. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Vice-Mayor Dingleline moved that a supplemental appropriation in the amount of \$178,448.87, requested by Street Superintendent James Baker to recover funds received from the Virginia Dept. of Transportation from Mt. Clinton Pike Industrial Access Project be approved for a second and final reading, a first reading having been approved on October 11, 1988, and that:

\$178,448.87 chgd. to: General (1901.01) - see  
advice No. 98795 (8-24-88) Re-  
coveries and Rebates

75,000.00 approp. to: General (1402-7011.00)  
Street - Work in Progress  
Vine Street

50,000.00 approp. to: General (4102-7011.15)  
Street - Work in Progress

53,448.87 approp. to: General (4102-7012.00)  
Street - Work in Progress

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

✓ A request was presented from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$66,003.00, for the State grants for hazardous materials equipment. Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

\$62,500.00 chgd. to: (1-2404.03) Hazardous  
Materials Grant  
2,003.00 chgd. to: (1-2404.03) Hazardous  
Materials Grant  
1,500.00 chgd. to: (1-2404.03) Hazardous  
Materials Grant

62,500.00 approp to: (1-3505-5416.01) Hazardous  
Materials Equipment  
2,003.00 approp to: (1-3505-5416.01) Hazardous  
Materials Equipment  
1,500.00 approp to: (1-3505-5416.01) Hazardous  
Materials Equipment

The motion was seconded by Council Member Rhodes and approved with a unanimous recorded vote of Council.

✓ A request was presented from John Holsten, Superintendent of the Sanitation Department in the amount of \$4,000.000 for equipment sold by the landfill. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$4,000.00 chgd. to: 9-1901.01 - Recoveries &  
Rebates  
4,000.00 approp. to: 9-3-5400.01 - Other  
Operating Materials  
and Supplies

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

✓ City Manager Milam presented a letter from Mr. James Sears, President of Blue Ridge Community College requesting the \$3,000 which was approved by City Council for the 1988-89 fiscal year. Manager Milam noted that other localities in this region make similar contributions to the BRCC Board and explained that these funds are used by the Board for things that are not funded by the State. Vice-Mayor Dinglefine offered a motion that the \$3,000 be appropriated to Blue Ridge Community College. The motion was seconded by Council Member Rhodes, and approved by a unanimous recorded vote of Council.

↓ Ms. Eloise Pinneri stated that she wanted to make Council aware that JMU has accessed Butler Street to Z parking lot after promising not to. Ms. Pinneri noted that she contacted Mr. Rose, who was very much surprised that it has been accessed and who again told her that JMU has no intention of accessing Butler Street to Z parking lot. Vice-Mayor Dinglefine noted that he too had spoken with Mr. Rose and had received the same assurances as to the accessing of Butler Street. Vice-Mayor Dinglefine stated that he would check back with Mr. Rose on the Matter.

At 8:38 p.m., on motion adopted, the Council entered an executive session to discuss legal matters.

At 10:58 p.m., the executive session was closed and the regular session reconvened. There being no further business, and on motion adopted, the meeting was adjourned.

*Judy M. Gray*  
CLERK

*Walter F. [Signature]*  
MAYOR

## REGULAR MEETING

TUESDAY, NOVEMBER 8, 1988

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m. there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Raymond C. Dingleline, Jr.; Council Members Elon W. Rhodes, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave. (See note at end of minutes)

✓ Mayor Green called on County Administrator Bill O'Brien and the Architect firm of Henningson, Durham and Richardson (HDR) to make a presentation on the

Jail Concepts and Alternatives. Mr. Andy Stallworth, of HDR, explained that after an evaluation of the conditions at the existing jail the Department of Corrections decertified the facility because of violations relating to cell space and stated that it could no longer be used for the housing of inmates. As a result of these findings, HDR was contacted to meet with representatives of the jurisdictions to develop a Master Plan and a program of expansion or replacement of the existing facilities. Mr. Earl Stahl, also of HDR, presented the following four options of expansion:

- A. Continue use of the existing facility - 124 beds.
- B. Replacement of existing facilities - existing site - 140 beds.
- C. Replacement of existing facilities suburban site - 132 beds.
- D. Deferred replacement of existing facilities - 124 beds.

Mr. Stahl discussed the pros and cons of the four options and noting that option A, which is to continue using the 1968 part of the Graham Street jail, has electrical and mechanical problems and the cells are not large enough to meet state requirements. Option B would be a problem because it would have to be done in phases in order to house prisoners while construction is going on. Mr. Stahl explained that option C, which is proposed for the County Farm site off of Pleasant Hill Road, permits for easy off street parking and would allow for a new standard modular design structure to be built. Mr. Stahl noted that the best plan for staying downtown is option D which is to do the minimal upgrading necessary that would allow for 124 beds. In narrowing the options down to C. and D., Mr. Stahl discussed in great detail the Comparative Analysis Alternatives Development Option which rated options C. and D. as to Community Acceptance, Construction Operations, Expansion and facility and design. Mr. Stahl concluded in stating that it is HDR's recommendation to use Option C and construct a new jail facility on Pleasant Valley Road. County Administrator, Bill O'Brien, noted that the total cost of the jail is going to be a little less than 8 million dollars which is considerably higher than the 3.5 to 4 million that the project was expected to cost. Mr. O'Brien did note that since the jail would be used by both the City and the County, that the Department of Corrections has agreed that it will be a "regional jail" and has granted each jurisdiction \$600,000 with the balance to be 65% from the County and 35% from the City. Mr. O'Brien noted that the County would handle the finances of the facility with the charge back to the City on an annual basis. Council. After HDR addressed several questions from the Council Members, Mayor Green thanked them for their presentation and called for a 15 minute recess.

Minutes of the regular meeting held on October 11, 1988, 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.

From the City Treasurer

A trail balance report for the month of October, 1988.

From the Police Department

A report of fines and costs collected - \$2,389.50; Cash collected from street parking meters - \$9,479.41; total cash collected during the month of October, 1988, paid on accounts and turned over to the City Treasurer - \$11,868.91.

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices from the month of October, 1988, in the total amount of \$1,472.44.

✓ For Council's information, City Manager Milam presented the Report on Audit of the Commonwealth Revenues for the year ended June 30, 1988, from the office of the City Treasurer, Beverly S. Miller. Manager Milam noted that the City Treasurer collected \$2,331.944, with remittances of \$2,339,511, leaving a balance of \$7,758 as of June 30, 1988.

✓ For Council's information, City Manager Milam presented the Shenandoah Valley Juvenile Detention Home Commission's Report on Examination of Financial

Statements for the year ended June 30, 1988. Manager Milam noted that revenues for the operating year totaled \$691,474.32 with expenditures totaling \$671,265.31 leaving a balance of \$40,209.01 total income for the year. Manager Milam noted that a copy is on file in the Manager's Office and at the Detention Home for review.

✓ For Council's information, City Manager Milam presented the Rockingham Library Association's financial report for June 30, 1988.

✓ Ms. Mary Bradshaw was present in the meeting to request the City Council's endorsement to explore a sister city relationship in the Soviet Union. Ms. Bradshaw explained that a program of this type would foster better understanding with citizens of this area and the Soviet Union. Attorney Larry Hoover, explained that this is not a funded program, and will provide great opportunities to individuals in the community. Following discussion, Mr. Hoover asked for Council's approval of the following resolution:

**ENDORSEMENT OF COMMUNITY EXCHANGE PROGRAM**

**BE IT RESOLVED** that the Harrisonburg City Council endorses the idea of a Harrisonburg-Rockingham County Community Exchange Program; and

**SUPPORTS** the program's purpose of fostering better understanding between citizens of the Harrisonburg-Rockingham County community and the citizens of an area of the Soviet Union by providing for cultural, educational, economic and tourist exchanges; and

**AUTHORIZES** the Community Exchange Program Committee to identify an appropriate community in the Soviet Union for such a program and bring a recommendation for a more formal pairing back to the Council for Approval.

*Stanton F. Jones*  
MAYOR

Vice-Mayor Dingleline offered a motion that the resolution be approved. The motion was seconded by Council Member Shank and adopted with a unanimous vote of Council.

✓ State Senator Kevin Miller was present in the meet to discuss the new proposal for restructuring local government in Virginia that was prepared by Senator Wiley Mitchell. Senator Miller noted that it is the feeling of the Commission on Local Government that the present laws on local government structures are out dated. Senator Miller further noted that it is his feeling that the Commission will vote to do what item #1 in the proposal states which is that there will be no new independent cities created after July 1989 and that no independent cities can file an annexation suit after July 1, 1989. Senator Miller reviewed and discussed several other items in the proposal, and noted that the City of Harrisonburg should be able to retain their City status. Senator Miller noted that he agrees with most of the proposal, but feels that many items need to be worked out as to working etc. Following further discussion of the proposal and addressing several questions of the Council, Senator Miller thanked the Council for their time and attention.

No action was taken on the proposed resolution to approve the issuance of Housing Bonds by the Harrisonburg Redevelopment and Housing Authority for the benefit of The Silver Companies Stratford Hills Apartment Project due to no one being present to represent the bond issue.

✓ City Manager Milam presented correspondence from City Treasurer Beverly Miller, requesting authority to advertise as unpaid, delinquent real estate for years 1986 and 1987, as required under Section 4-1-29 of the City Code. On motion of Council Member Rhodes, seconded by Council Member Shank, and a unanimous vote of Council, the City Treasurer was so authorized and directed.

✓ City Manager Milam presented correspondence from the Central Shenandoah Planning District Commission regarding the proposal from CSX Transportation, Inc.

to abandon its railroad line between Charlottesville and Clifton Forge, and presented for Council's approval the following resolution:

WHEREAS, The railroad line between Charlottesville and Clifton Forge is proposed for abandonment by CSX transportation, Inc.; and

WHEREAS, The trackage is located in Rockbridge

County, Bath County, and Augusta County, and goes through the City of Staunton and the City of Waynesboro within the Central Shenandoah Planning District; and

WHEREAS, Amtrak's Cardinal provides passenger service and follows this route; and

WHEREAS, this route provides the only rail service to many of the localities within the District; and

WHEREAS, this route has a positive impact on a variety of businesses and industries; and

WHEREAS, CSX receives Federal assistance to maintain this line to a degree where passenger service is allowed:

NOW THEREFORE BE IT RESOLVED that I, Mayor Walter F. Green, 3rd, on behalf of the Harrisonburg City Council, do hereby request that CSX Transportation, Inc., Amtrak, and other interested parties, coordinate these efforts so that the railroad line will continue to be operated and maintained for present and future railroad operations.

*Walter F. Green, 3rd*  
MAYOR

Council Member Rhodes offered a motion that the resolution be adopted. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

✓ Vice-Mayor Dingleline moved that a supplemental appropriation in the amount of \$66,003.00, for the State grants for hazardous materials equipment, be approved for a second and final reading, a first reading having been approved on October 25, 1988:

\$62,500.00 chgd. to: (1-2404.03) Hazardous  
Materials Grant  
2,003.00 chgd. to: (1-2404.03) Hazardous  
Materials Grant  
1,500.00 chgd. to: (1-2404.03) Hazardous  
Materials Grant

62,500.00 approp. to: (1-3505-5416.01) Hazardous  
Materials Equipment  
2,003.00 approp. to: (1-3505-5416.01) Hazardous  
Materials Equipment  
1,500.00 approp. to: (1-3505-5416.01) Hazardous  
Materials Equipment

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

✓ Council Member Rhodes moved that a supplemental appropriation in the amount of \$4,000.00 for equipment sold by the landfill, be approved for a second and final reading, a first reading having been approved on October 25, 1988, and that:

\$4,000.00 chgd. to: 9-1901.01 - Recoveries &  
and Rebates  
4,000.00 approp to: 9-3-5400.01 - Other  
Operating Materials  
and Supplies

The motion was seconded by Council Member Kite, and approved by a unanimous recorded vote of Council.

Mayor Green noted that someone needs to take a look at the holding pond at the south east corner of the new school to be sure what it will do as far as drainage in the area.

✓ City Manager Milam noted he was pleased to announce that Michael Collins has been appointed as the City's Water and Sewer Superintendent. Manager Milam also



informed Council that Mr. Ed Loker, former Water and Sewer Superintendent is working with the City in obtaining the easements and environmental permits necessary to run the 24' water main from Route 701 along 33 to the Water plant.

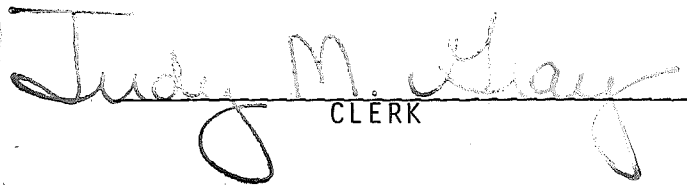
City Manager Milam noted that City Council is invited to ride in the veterans parade on Friday, November 11, 1988, at 4.30 and a reception following the parade; and also invited to attend a ceremony at 11:00 on Friday, at the County Memorial on High Street.

At 10:00 p.m., on motion adopted, the Council entered an executive session to discuss legal matters.

At 10:30 p.m., the executive session was closed and the regular session reconvened. There being no further business, and on motion adopted, the meeting was adjourned.

**Note:**

For the purpose of the presentation of the Jail Concepts and Alternatives, City Council met in concurrent session with representatives of Rockingham County, present were: County Administrator William O'Brien; Supervisors Glenn Heatwole, Charles Ahrend, Elwood Hoover, William Kyger and Timothy Hulings; Sheriff Glenn Weatherholtz and County Attorney George Aldhizer.

  
CLERK

  
MAYOR

REGULAR MEETING

TUESDAY, NOVEMBER 22, 1988

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m. 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, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Minutes of the regular meeting held on November 8, 1988, were approved as corrected.

✓ For information, City Manager Milam presented a report submitted by the Harrisonburg Electoral Board, setting out votes cast in the November 8, 1988, General Election for President and Vice-President, U. S. Senate, House of Representatives (6th District; and the special election for Commissioner of Revenue, pari-mutuel betting in the Commonwealth, the Sunday closing law; and the election of the Directors of the Shenandoah Valley District Soil and Water Conservation District. A copy of the report is on file in the City Manager's Office.

✓ Mr. Ed Bartos, representing residents of the Greendale Subdivision, was present in the meeting to state opposition to the proposed building of the County jail at the Greendale site. Mr. Bartos noted that they are "astonished" to hear that the study showed that this is the best sight considering there are two schools within 1700 feet of the sight. Mr. Bartos then read, and presented Council with, a petition signed by 43 residents of the subdivision, protesting against the building of the jail at this location. Mr. Bartos concluded in stating that he would hope that there would be a public hearing so parents and residents could voice an opinion. Mayor Green explained that this is a Rockingham County project, with the City having very little say in the final decision. Mayor Green noted that the City had one representative on a Board formed to study the proposed jail and will pay one third of whatever the County decides to do. Mayor Green concluded in explaining that according to the City Attorney, if a request is made by the Board of Supervisors to build the jail on City land at the Greendale site then it will require a rezoning which will require a public hearing to be held. Manager Milam noted that there are copies

of the jail proposal in his office for review.

✓ City Manager Milam presented a proposal received on the invitation to bid for the City of Harrisonburg's Proposed Gas Franchise Ordinance. Manager Milam noted that he has been working on the proposal for the past four to five months since the previous 30-year franchise expired in January of 1987. Manager Milam stated that he received a check for \$2,000 from Mr. Paul Bigley of Columbia Gas of Virginia which is their bid for a one-time franchise fee for the 20-year term of the proposed gas franchise. Manager Milam called Council's attention to item #8 in the legal ad which states that any firm etc. bidding for this franchise shall deposit with its bid a certified check for \$10,000, as security that the grantee will accept the franchise. Manager Milam noted that as of 5:10 today the check, made payable to the City of Harrisonburg, is in the hands of Mr. Bill McClure the City's special legal council with Mays and Valentine. Manager Milam noted that since the City has the \$10,000 check and all the provisions in the ad are in order he would like to recommend that Council approve the franchise ordinance for a first reading. Manager Milam further noted that he is asking for this approval tonight so that Mr. John Matthews, General Manager of Columbia Gas, and Mr. Roger Baker can get together to discuss completing the work that has been on hold, pending the approval of a franchise. Manager Milam explained that this franchise gives exclusive provisions to Columbia Gas to provide and transmit gas for customers within the City, but does not give an exclusive right for them to transmit gas to other areas through the city. Vice Mayor Dingledine noted that the one-time franchise fee is considerably less than what was originally discussed and questioned if the fee of \$2,000 is acceptable. Manager Milam noted that the figure is much less, but is the best the gas company felt they could do and added that the gas company pays business licenses and real estate taxes and also is required to pay all the advertising fees and legal costs up to \$25,000. Council Member Rhodes questioned if there will be more negotiations between the City and the Gas Company before the second reading of the ordinance. Mayor Green explained that they hope to get the first reading approved which will allow the gas company to put in the line that will service Bridgewater and

Dayton, but noted some points still need to be clarified. Following further discussion, Council Member Rhodes offered a motion that the proposed Gas Franchise Ordinance be approved for a first reading with the stipulation that the City Manager further negotiations with Columbia Gas prior to the second reading. The motion was seconded by Council Member Shank and adopted with a unanimous recorded vote of Council.

The proposed resolution to approve the issuance of Housing Bonds by the Harrisonburg Redevelopment and Housing Authority for the benefit of The Silver Companies Stratford Hills Apartment Project was tabled.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 16, 1988:

**"...The Director described to Commissioners where proposed Sections 28 and 29 are located on the Deyerle property. Section 28 has 2 lots fronting on the west side of Evelyn Byrd Avenue and Section 29 consists of a 4.634 acre lot on the southeast corner of Evelyn Byrd and Neff Avenues. Both sections have the necessary easements and street improvements.**

**Mr. Rhodes moved, and Mr. Hartman seconded his motion to recommend approval of Deyerle Subdivision, Section 28 and 29. All members present voted in favor..."**

Planning Director Sullivan noted that these are two commercial properties in the Deyerle area, located behind the Mall with road frontage on Evelyn Bird Ave. Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg

Planning Commission meeting held on November 16, 1988:

**"...The Commissioners reviewed a plat showing the resubdivision of Lots 6 and 7F in Interstate Commercial Park Subdivision. Surveyor Hal Benner told the Commission that a small portion of Lot 7F will be added to Lot 6, thus eliminating the present lot line and establishing a new one. An existing 20' drainage easement across Lot 6 will not be moved. The lots are at the east end of Reedy Circle and they border Interstate 81.**

**Mr. Rhodes moved and Mr. Milam seconded his motion to recommend that the Commission approve the resubdivision of Lots 6 & 7F in Interstate Commercial Park. All members voted in favor..."**

Vice Mayor Dingleline offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 16, 1988:

**"...Mr. Robert Williams, speaking for Cline Oil Company, described his company's need for constructing a concrete pad around the loading dock near Huffman Street. The concrete pad will be flush or even with the existing Huffman Street pavement, but it will extend 10' into the right-of-way. Huffman Street is a dead-end road in this area, but it also serves an employee parking area for Valley Blox employees. Mr. Milam noted that the City Council, as Trustees of public right-of-ways, could permit the work requested by Mr. Williams, and the Planning Commission may want to support this approach, rather than suggesting closing the street.**

**Mr. Rhodes moved, and Mr. Hughes seconded his motion, that the Commission recommend to Council that Cline Oil Company be permitted to extend its concrete pad 10' onto Huffman Street right-of-way. All members voted in favor..."**

Planning Director Sullivan called on Mr. Robert Williams to explain his request in detail. Mr. Williams, on behalf of Cline Oil Company, explained that the building is located on South Main Street with the back of the property on Huffman Street, which is a closed street. Mr. Williams further noted that the building is located on the top of the Old Stone Spring which flows under the building and then southward under Huffman Street. Mr. Williams explained that they have a loading rack against Huffman street which poses a potential spillage problem that could eventually get into Blacks Run. Mr. William concluded in stating that he would like to ask permission to concrete the area marked in yellow on the map and also put a concrete pad over a portion of Huffman Street. Council Member Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 16, 1988:

**"...Under other matters, Mr. John Driver asked the Commission to re-approve the plat of Corporate Drive, a 60' commercial street which crosses the Sellers property, from South Main Street to Pike Church Road (Route 701.) Mr. Driver reported that Mr. Seller's attorney has requested new signatures because the plat, approved by the City in June, was not recorded in the 60-day time frame. Five different approvals are required because the street serves both the City and County.**

**Mr. Rhodes moved, and Mr. Hartman seconded his motion for the Commission to recommend re-approval of the plat for Corporate Drive. All members voted in favor..."**

Council Member Shank offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 16, 1988:

"...Following the public hearing, the Commissioners discussed the rezoning of all properties between Virginia Autobahn Ltd. and Sharon Lane, the Brunk parcels only, or the Brunk parcels and those located south of Mr. Brunk's. Based on the submittal of a preliminary site plan indicating a future small-scale shopping center, Mr. Heath moved for the Commission to recommend rezoning only the Brunk parcels at 1630 and 1640 Virginia Avenue, from R-3 Multiple Dwelling District to B-2 General Business District. Mr. Rhodes seconded the motion which passed, 4-3..."

Vice Mayor Dingledine offered a motion that a public hearing be set for January 10, 1989, to hear the request to rezone the Menno Brunk parcels at 1630 and 1640 Virginia Ave. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 16, 1988:

"...Mr. Raymond Ressler, in requesting the rezoning of his properties at 900 and 908 College Ave., presented a plan for a 3-unit dwelling he desires to build on Lot 4. The dwelling would have a 3-bedroom apartment on the main floor, and two 1-bedroom apartments on the ground level. Parking would be in the backyard. An existing 3-unit dwelling is located at 900 College Avenue (Lot 3). If rezoned from R-2 to R-3, it would conform to current density regulations. Support and opposition was voiced by adjacent property owners.

Mrs. Shapiro expressed concern when higher densities are sought in established, predominantly single family neighborhoods. She moved that the Commission recommend denial of Mr. Ressler's rezoning application for Lots 3 and 4 (900 and 908 College Avenue), from R-2 to R-3. Mr. Heath seconded her motion and all members voted in favor..."

Planning Director Sullivan called attention to the large overall map of the area and noted that Mr. Ressler request is to rezone two lots located at 900 and 908 College Ave. Mr. Sullivan stated that the Planning Commission's recommendation is to deny this rezoning request. Mr. Sullivan added that since the Planning Commission meeting, Mr. Ressler had contacted him and inquired as to what would happen if he came back with a proposal just to build a duplex on the vacant lot. Mr. Sullivan explained that if this was done it would still have to be rezoned and that the Planning Commission has not heard this particular request. Mr. Ressler noted that along College Ave. the majority of houses have apartments in them and that his request is consistent with the housing in the neighborhood. Council Member Shank offered a motion that the request be referred back to the Planning Commission. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam called on Mr. Lacy Whitmore, Acting Executive Director of the Community Services Board, to present a report and proposal. Mr. Whitmore noted that on July 12, 1988, the Board received Council's approval for an addition to the Community Services building located at 1241 North Main Street which is to be a three story addition at the rear of the building and will add 12,000 sq. feet of office space to the existing structure. Mr. Whitmore further noted that in doing this it will allow them to acquire 14 new staff positions and to co-locate offices in one building. Mr. Whitmore called Council's attention to a handout on Board actions and noted that much has happened since July 12 in that bids have been procured with the low bid going to Harman Construction Company; the Housing Authority has been working on financing and will be serving as landlord of the property and the Community Services Board has acquired the adjacent property to serve as parking. Mr. Whitmore stated that they are now ready to transfer this property to the Housing Authority also. City Auditor Peterman explained that the City has to transfer the property at 1241 North Main Street to the Housing Authority and the Community Services Board has to transfer the newly purchased land to the Housing Authority so the Authority can secure the loan. Mr. Peterman further noted that there is no cost to the City. Manager Milam noted that the Housing Authority is being used as a financial arm, and that

after the debt period is over, both properties will revert back to the city. Council Member Shank questioned if there are any assurances that the State will continue to pay its share. Mr. Whitmore explained that he has a letter of commitment from the State pledging support of the project. Mr. Whitmore further noted that while he has no absolute guarantees, he does not foresee, or have any indications, that there will be any problems. Vice-Mayor Dingledine offered a motion that the transfer of real estate be approved for a first reading. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam read a letter from Mr. Alan Hiner, School Superintendent, requesting authorization to award the cafeteria equipment contract for the middle school to Key Industries, Inc. in the amount of \$213,750.00. Manager Milam called Council's attention to page 2 of a handout which shows the total funds made available by Council for the middle school and the breakdown of those funds. Manager Milam called special attention to the 92,852.85 balance in the site grading contract and noted that there could possibly be some savings in this account. Manager Milam noted that the cafeteria equipment is listed within the \$1,365,000 furniture and equipment line item. Manager Milam asked that the award of the contract be approved so the equipment can be ordered and delivery can be made sometime next summer with installation by next September. Council Member Rhodes offered a motion that the contract be awarded to Key Industries, Inc. from Lynchburg, VA for the cafeteria equipment. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council members wishes concerning two appointments to the Redevelopment and Housing Authority, noting that with two persons terms expiring the Authority would be left without a quorum. Vice Mayor Dingledine offered a motion that Mr. Robert C. Williams and Mr. Larry Packet, presently serving unexpired terms, be appointed to the Authority for first terms of four years expiring on November 29, 1992. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

At 8:47 p.m. on motion adopted, Council entered an executive session to discuss legal and personnel matters.

At 10:10 p.m., the executive session was closed and the regular session reconvened.

✓ Vice-Mayor Dingledine offered a motion that Mr. Patrick C. Sweet be appointed to a first term on the Harrisonburg Parking Authority, with term to expire on November 28, 1993. The motion was seconded by Council Member Rhodes, and approved with a unanimous vote of Council.

✓ Council Member Rhodes offered a motion that Mr. Richard L. Tysinger (at large, west) be appointed to a second term on the Harrisonburg Parks and Recreation Commission, with term to expire December 31, 1992. The motion was seconded by Vice Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council Member Shank offered a motion that Mr. Edward E. Hughes be reappointed to a second term on the Harrisonburg Planning Commission, with term to expire December 31, 1992. The motion was seconded by Vice Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council Member Rhodes offered a motion that Mr. Francis E. Turner be reappointed to a second term on the Harrisonburg Electric Commission, with term to expire December 31, 1991. The motion was seconded by Vice Mayor Dingledine, and approved with a unanimous vote of Council.

At 10:14 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

*Judy M. [Signature]*  
CLERK

*Francis E. Turner*  
MAYOR

## REGULAR MEETING

TUESDAY, DECEMBER 13, 1988

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m. 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, Curtis F. Kite, and Charles L. Shank; City Clerk Judy M. Gray; City Auditor Philip Peterman and Chief of Police Richard Presgrave.

Minutes of the regular meeting held on November 22, 1988, approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Manager

A progress report of activities in the various departments and said office for the month of November, 1988.

From the City Treasurer

A trial balance report for the month of November, 1988.

From the Police Department

A report of fines and costs collected - \$4,567.65; Cash collected from street parking meters - \$7,278.66; total cash collected during the month of December, 1988, paid on accounts and turned over to the City Treasurer - \$11,846.31.

From the City Auditor

A report of cash discounts saved in the payment of vendor's invoices from the month of December, 1988, in the total amount of \$288.89.

↓ Mr. Lyle Chestnut, of 1115 Moore Street, was present in the meeting to register a complaint about Warner Cable. Mr. Chestnut noted that several years ago he paid, what he thought, was a one time service charge of \$20.00 for FM hookup with no additional monthly charges. Mr. Chestnut noted that under the new system, Warner Cable has taken this service away and is giving it back to him for a fee of \$4.00 a month. Mr. Chestnut stated that he questions if Warner Cable legally has the right to take something away that he had paid for and rent it back to him. City Attorney Thumma stated that under the 1984 Act passed by the Federal government, the City has no power to regulate Warner Cable's monthly charges. Council Member Rhodes noted that he has also received complaints regarding the FM hookup charges, and would like to request that a letter be sent to Warner Cable stating this dissatisfaction.

↓ City Manager Milam presented a rezoning request from Dr. Wayne Engel to rezone the property located at 265 East Market Street from B2 to B1 so it can be made part of the Central Business District. Council Member Rhodes offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

↓ City Manager Milam presented a rezoning request from The Box Factory, Inc., to rezone its property located and bounded by Liberty Street on the east, Water Street on the south, the Southern Railroad right-of-way on the west and a public and private alley on the north, from M-1 to B-1. Vice-Mayor Dingledine offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's approval of a second reading an ordinance granting a franchise Columbia Gas to use the streets and other public lands of the City of Harrisonburg for the transmission, distribution and sale of gas. Manager Milam called on Mr. Bill McClure, the City's special legal counsel from Mays, Valentine in Richmond to say a few words concerning the negotiations. Mr. McClure pointed out that the objectives of the negotiations were: (1) to strengthen the terms of the franchise agreement in regards to safety standards, and permitting process; (2) to discuss with the Company a number of issues with the way they were conducting business and develop an understanding in regards to cutting the street etc. and (3) discuss the level of permit fees. Mr. McClure noted that he feels the first two objectives have been accomplished and the franchise document is a much stronger document in these two areas. In regards to

fees, Mr. McClure pointed out the extent the Company contributes revenues to the City in the form of taxes, and called attention to a handout prepared by the City's Commissioner of Revenue. Manager Milam noted that the local gas Manager, Mr. John Mathews, Assistant City Manager Roger Baker, Recreation Director Gilker-son and a surveyor from the City and the gas company have established where the main transmission line will be located on the south side of town, running from the southern part of the City to Route 33 with a connection to the new middle school. Council Member Rhodes offered a motion that the gas franchise be approved for a second reading. The motion was seconded by Council Member Shank and adopted by a unanimous recorded vote of Council.

↓ City Manager Milam called on Mr. Gutshall, Environmental Health Program Manager for the Health Department, for comments. Mr. Gutshall handed out copies of the Executive Summary of the Six Year Plan of the Health Department along with a printout of the distribution of services that the Health Department has provided for Harrisonburg during the past calendar year. Mr. Gutshall gave an overview of the subject of radon, explaining ways to tests for it and noting that the only known hazard of radon at this time is that it causes an increase in lung cancer. Mr. Gutshall concluded his report in noting that all homes and buildings should be tested for the presence of radon, but at present there are no State mandates for the tests in private homes or public buildings.

↓ City Manager Milam called on Attorney Phil Stone, representing the persons and businesses opposed to the Vine Street truck closing, for comments. Mr. Stone noted that there is a large number of business and individuals affected by the closing of Vine Street to truck traffic and presented Council with a petition signed by the following businesses and individuals asking Council to rescind their motion of no through trucks on Vine Street for six months: Animal Health and Specialties, Armentrout Trucking, B & S Contracting, J. E. Bazzle & Sons, Blaugh Brothers, Inc., Paul L. Caldwell Trucking, Carr's Tire Service, Inc., Cline Oil, Custom Cleaning and Repair, Dillon Supply Company, Eagle Excavating, H. Eby Construction, Electrical Contractors, Excel Steel Works, Inc., Extinguisher Sales & Service, Farm Choice, Inc., The Frazier Quarry, Funkhouser Trucking, G. L. Trucking, G. S. Trucking, Good's Transfer, Inc., Griffith Bag Company, H & W Excavating, Harrisonburg Motor Express, Hartman Service, S. L. Hess & Sons, Inc., Highway Motors, Hillside Shop, Holtzman Oil Corporation, Dee Howdyshell, Huffman's Grinding Service, IHM Systems, Inc., Marvin S. Lam Grain, Inc., Mathias Brothers, Inc., Michael Brothers Construction, Miller Fuel Company, Inc., Monger Brothers Contractors, Inc., R. S. Monger & Sons, C. S. Quarries, Inc., DeWayne Mundy, Inc., Neff Lumber Mills, Inc., Nielsen Construction Company, Inc., Partners Excavating Company, People Service Company, Pike Cabinet Shop, Inc., Pilot Freight, R. B. I., R. M. C. Inc., RAN-MAR Corporation, Ray Carr Tire, David A. Reed & Sons, Inc., J. B. Rhodenizer Construction, Roadcap Live Poultry, Inc., Rocco Feed, Rockingham Cooperative Farm Bureau, Inc., Rockingham Ford Tractor, Rockingham Mill, Rockingham Poultry Transportation, Rockingham Redi Mix, Rockingham Steel & Supply Company, Inc., Shifflett Towing Service, Southern State Cooperative, Inc., D. J. Spencer, Inc., J. O. Stickley & Sons, Stroehmann Bakeries, T & E Meat Market, Todd Farm Equipment, Truck & Equipment Corp., Valley Blox, Inc., Valley Mulch Inc., Valley Recycle Company, Valley Tire Service, Varner Lawn Service, Wally's Farm Supply, Wampler Foods, Inc., We Fix It Body Shop, Wetsel Seed, and Whitesel Brothers, Inc., along with 15 individuals. Mr. Stone stated that he realizes that there is no easy solution and can understand why people do not want trucks in their neighborhood, but noted that "the issue is not if we are planning to have trucks, but the fact is the trucks are here." Mr. Stone called Council's attention to a large city map and noted that the City does not have a main traffic artery that does not either touch or go through a residential area. Mr. Stone noted that Harrisonburg thrives on trucks bringing items into and through the City. Mr. Stone further noted that getting from one side of the city to the other is something that has to be managed and there is



nothing unique about trucks going through residential areas. Mr. Stone explained that in 1980, City Council adopted a plan that indicated the route of Vine Street going through to Route 11, North as a collector street. Mr. Stone noted that not only was this adopted but that a lot of work has already been done to put this into effect. Mr. Stone also stated that when the City applied for State Funds, the Street was designated to be a collector street, so the Highway Department also sees it as having that designation. Mr. Stone further noted that the plans have been in existence long enough that developers and property owners should have been aware that the street was designated as a collector street and it should have not been surprise to anyone. Mr. Stone explained that diverting traffic off of Vine Street on to East Market Street is not very logical noting that East Market has already exceeded the projected traffic counts and further noted that over a four year period there have been no accidents on Vine Street involving trucks and only five caused by human error. Mr. Stone further explained that on east Market Street there have been 441 accidents, with 143 injuries. Mr. Stone stated that the City has put trucks on the second busiest street in the City and has also put them right back downtown, when for so long the City has been trying to get trucks out of the downtown area. Mr. Stone stated that the action of Council to close Vine street to trucks poses significant hardship on business and individuals and urges the Council, before the six months is up, to rescind the motion, because the need is now. Mr. Stone concluded in stating that if he or the group he represents can be of assistance in serving on a committee to work with the City and the citizens of Vine Street to help find ways to help monitor noise or limit the hours of the trucks they would be glad to do so. Ann Marie Lampersberger, speaking on behalf of the Vine Street residents, noted that the residents of Vine Street do not feel that this problem is their responsibility since their homes were not there when the decision was made, and that Council should have never approved it as a residential area. Ms. Lampersberger stated that the residents of Vine Street would like the same consideration the residents of Gay Street were given back in 1966 when Council approved for truck traffic to be diverted off of Gay Street because of complaints by citizens. Ms. Lampersberger noted that when Vine Street is connected, it will go through Harris Gardens where there is a large number of children. Ms. Lampersberger concluded in stated that she feels that it is the responsibility of the Council to do what is just and right for all the citizens. Following further discussion and questions from the Council Members, Council Member Shank offered a motion that Vine Street be reopened to truck traffic. The motion was seconded by Council Member Rhodes. Following the motion, discussion arose as to if a committee should be formed with representatives from the various interest groups to discuss the concerns and problems and see if they can come up with solutions. Vice-Mayor Dingledine offered a motion to amend the original motion, and moved to delay all action on Vine Street until a committee, consisting of a person designated by the City Manager, a representative from the truckers groups, a representative from Vine Street and representatives from the Harrisonburg Transportation Safety Commission, has a chance to meet to discuss possible solutions to the problem, with a report to Council on January 10, 1989. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

Planning Director Robert Sullivan, speaking on behalf of the Planning Commission called Council's attention to a large area map showing the area of land, between Reservoir Street and Valley Mall, that has been requested to be rezoned from M1 to B2. Mr. Sullivan noted that the members of the Commission have discussed the request for the past couple of days and would like for this request to be referred to them so they can determine how they wish to handle the rezoning request as is normally done. Mr. Sullivan further noted that this too would allow the Planning Commission members to discuss whether or not they wish to hold a joint public hearing as has been suggested. Council Member Rhodes

stated that he thinks the next item which relates to the ordinance regarding the definition of "story" and multiple family buildings should also be referred to the Planning Commission. Vice-Mayor Dingledine questioned the need for a joint public hearing. Council Member Rhodes offered a motion that these two matters be referred to the Planning Commission. The motion was seconded by Council Member Shank, and approved with a unanimous vote of Council.

↓ City Manager Milam called on Mr. Lee Huffman who was present in the meeting to request emergency funds to allow the Adult Day Care Center of Harrisonburg Rockingham to remain open until the spring of 1989. Mr. Huffman explained that the Adult Day Care Center provides intermediary services that prolongs the quality of life for the elderly and allows these persons to stay with their families longer. Mr. Huffman stated that he has been to the Board of Supervisors and that they approved \$5,000, which is 1/2 of the funding that is needed. Mr. Huffman further stated that he would like to request \$5,000 from the City with the understanding that this is a one time request. Mr. Huffman went on to explain that the program needs funding for about three months until they can be self sufficient, and further noted that if they don't get the needed funds they will have to shut the doors. Vice Mayor Dingledine offered a motion that the City Council authorize \$5,000 of emergency funds to the Adult Day Care Center as a one time appropriation to carry the program through for the next three months. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

↓ City Manager Milam called on Mary Morris, representing Harrisonburg Rockingham Community Services Board and Jim Deskins, Executive Director of the Housing Authority to present a resolution regarding the transfer of real estate at 1241 North Main Street. Ms. Morris noted that a resolution of the City Council has been prepared authorizing the transfer of property at 1241 North Main Street to the Harrisonburg Redevelopment and Housing Authority so an addition can be constructed and the services of the Community Services Board be consolidated at that location. Ms. Morris further noted that the resolution also designates the bonds, that are to be issued by the Authority, as qualified tax exempt obligations. Mr. Deskins explained that through this bond the Housing Authority will be borrowing \$800,000 to construct a 12,000 sq. foot addition to the Community Services Board facility and enter into a lease with the Board. Mr. Deskins noted that there will be two leases; one for the existing facility and one for the new addition. Mr. Deskins stated that the Housing Authority's intent is to keep the Community Services Board as a tenant for as long as they have funds to cover the rent. Mr. Deskins further stated that at the end of the terms of the lease, and after all debts are paid off, the property will be conveyed back to the City. City Manager Milam called Council's attention to an agreement between the City and the Housing Authority dated December 13, 1988, and noted that the agreement could be dropped as long as the references to it in the resolution are deleted. Council Member Shank offered a motion that the agreement be dropped and for the transfer of real estate, located at 1241 North Main Street, to the Housing Authority be approved for a second reading with authorization for the Mayor to sign the resolution and deed. The motion was seconded by Council Member Rhodes and adopted with a unanimous recorded vote of Council.

↓ City Manager Milam called on Mr. John Holsten, Superintendent of Solid Waste, to present a report and proposal on a steam line connection from James Madison University (JMU) to Grace Street and connection from Rockingham Memorial Hospital (RMH) boiler room to the Cancer center. Mr. Holsten, noting that RMH has four boilers of which they only use two, and that JMU is interested in purchasing new boiler steam generating capacity equipment; stated that with RMH's plan to proceed with the Cancer Center across Mason Street that he would like to propose that the City help participate in the funding of an interconnection between RMH steam loop and the existing JMU steam loop. Mr. Holsten noted that in doing this, JMU would be able to postpone the purchase of a new boiler for five

to eight years and RMH would be able to tie the Cancer Center to their existing boiler plant at a cost saving of approximately \$150,000. Mr. Holsten noted that the advantage to the City of Harriosnburg would be that the City would have RMH on the steam distribution loop and would have better steam using customers in the summer months at RMH and the Cancer Center. Mr. Holsten explained that in working with various agencies involved, it had been concluded that the best place to make a tie in would be to build a steam line from RMH's heating plant up Grace Street and across Mason Street to the Cancer Center. Mr. Holsten noted that the tie in from JMU would go out the part of Mason Street that is presently closed on campus. Mr. Holsten stated that the total distance of the interconnection loop is about 1,200 feet at a cost of about \$300.00 per foot for a total construction cost of approximately \$360,000. Mr. Holsten suggested that the City pay 1/2 of these costs plus contingencies of around 10% for a total cost of approximately \$200,000.00. Mr. Holsten stated that he would like to propose that City Council appropriate \$100,000 in outlay and the other \$100,000.00 would be in the form of in kind services in free steam to RMH during the summer months over a period of two years. Mr. Holsten further noted that for an outlay of \$100,000.00, the city could accumulate about 12 tons more trash per day rather than waste the "said energy" and the city would end up with a central heating loop that benefits the City, RMH and JMU. Council Member Shank questioned what the revenues would be after the initial stages. Mr. Holsten explained that the city would receive approximately \$50,000 additional revenues a year from steam sold to RMH, and noted that this figure does not include landfill savings. Council Member Rhodes questioned if the present facilities would need improvements. Mr. Holsten stated that the present facility has approximately 8 to 10 more years of spare capacity based on the present rate of refuse increasing 7% a year. Mr. Holsten further stated that the major challenge is to stop putting trash in the landfill during the summer month because there is no where to sell the steam. Mr. Holsten concluded in stating that he would like to ask for Council's support and endorsement of this proposal so he can proceed with more in depth negotiations with RMH and JMU. Mayor Green commended Mr. Holsten for a job well done. Council Member Rhodes offered a motion that City Council endorse Mr. Holsten's proposal and for Mr. Holsten to continue negotiations with RMH and JMU on the steam distribution loop. The motion was seconded by Vice-Mayor Dingledine and approved with a unanimous vote of Council.

✓ City Manager Milam called on Ms. Mary Morris who is representing the bond issue of \$2,250,000 of Industrial Development Bonds for Eastern Mennonite College and Seminary, Inc. Ms. Morris noted that a public hearing was held on Nov. 30, 1988, regarding Eastern Mennonite College's request for \$2,250,000 in bonds. Ms. Morris further noted that the Authority approved the project and filed its report with the City Council. Ms. Morris explained that the resolution is to approve the issuance of the bonds, and is not an endorsement of the bonds by the City. Ms. Morris further explained that the approval of the bonds is required by the Internal Revenue Code. Council Member Rhodes offered a motion that the resolution regarding the bond issue be approved. The motion was seconded by Council Shank, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented and read a report from the Board of Viewers concerning the closing of North Willow Street from 3rd Street to Chicago Ave., plus a 15' alley between 3rd Street and 4th Streets. The report stated that the Board of Viewers recommends that this request be granted. Vice Mayor Dingledine offered a motion that the recommendation of the Board of Viewers be approved with authorization for the City Attorney to prepare the necessary ordinance. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented from School Superintendent, Alan Hiner, for approval of a supplemental appropriation in the amount of \$250,000.00 to provide funds to construct an entrance at the new middle school. City Manager Milam called

Council's attention to a large area map of Route 33 showing the proposed location of the street as designed by the School Board. Manager Milam noted rather than appropriate the money to the School Board he would like to proposed to appropriate the money to the Street Department so they can construct the new street at a slightly difference location to tie into an existing parking lot at the middle school. Manager Milam stated that they also plan to make the street wider than the original plans so they can obtain highway funding every year. Manager Milam further noted that the School Board is in agreement with this concept. Council Member Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$250,000 chgd. to 1 - Unappropriated Fund  
Balance

250,000 approp. to 1-4102-7012.01 Street  
Inspection - Capital Outlay  
Work in Progress. Annexed Area

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

✓ A request was presented from Chief of Police Presgrave for approval of a supplemental appropriation in the amount of \$2,843.88, to recover expenditures in various categories which were previously allocated. Council Member Shank offered a motion for the appropriation to be approved for a first reading, and that:

\$2,843.88 chgd. to General 1901.01 -  
Recoveries & Rebates  
314.11 approp. to 1-3101-5500.01  
Travel  
606.11 approp. to 1-3101-3004.03 Maint.  
& Repairs to Auto Equip.  
846.31 approp. to 1-3101-1001.07 Special  
Police  
1,077.35 approp. to 1-3101-1010.01 Other  
Personal Services

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

✓ City Attorney Earl Thumma presented a request from the Joint Library Committee requesting that the City Council amend the City Ordinance, Section 4-2-12 in order to increase the court costs assessments for acquisition of law books from \$2.00 to \$4.00 for each Civil Action filed in the Circuit Court and General District Court. Attorney Thumma explained that the Law Library is a very nice, quite extensive library. Following discussion, Vice-Mayor Dingledine offered a motion to authorize the City Attorney to prepare an ordinance to be presented at the next City Council meeting. The motion was seconded by Council Member Rhodes, and approved with a unanimous recorded vote of Council.

At 10:06 p.m., on motion adopted, Council entered an executive session to discuss personnel and real estate matters.

At 11:25 p.m., the executive session was closed and the regular session reconvened. There being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray CLERK F. [Signature] MAYOR