

June 12, 2006

**MINUTES OF RADFORD CITY COUNCIL**  
**The "New River" City**

**619 Second Street**

**June 12, 2006**

**Radford, Virginia**

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Meeting Number 29 of Radford City Council, F.Y. 2005-2006

An early workshop meeting of the Radford City Council was convened at 6:30 p.m. on June 12, 2006, in Council Chambers, 619 Second Street, Radford, Virginia. The Mayor of the City, Mr. Thomas L. Starnes, was present and presiding. Other members of Council present were Dr. Bruce Brown, Ms. Laurie Buchwald, Dr. Richard Harshberger. Mr. S. Oliver Lewis III was absent.

Others present were as follows:

Mr. Anthony W. Cox, City Manager/City Clerk  
Mr. David C. Ridpath, Assistant City Manager  
Ms. Judith J. Bruce, Deputy City Clerk  
Mr. Shawn Utt, Public Relations Officer/Grants Administrator  
Mr. Zack Kyle, Director of Human Resources

The news media was represented by the Radford News Journal and The Roanoke Times.

Items discussed during the workshop meeting were as follows:

1. Agency Contracts
  - a. Main Street Radford
  - b. Heritage Foundation
2. Wellness Program

No action was taken during the workshop meeting.

The regularly scheduled meeting of the Radford City Council was convened at 7:30 p.m. The Mayor of the City, Mr. Thomas L. Starnes, was present and presiding. Other members of Council present were Dr. Bruce Brown, Ms. Laurie Buchwald, Dr. Richard Harshberger. Mr. S. Oliver Lewis was absent.

Others present were as follows:

Mr. Anthony W. Cox, City Manager/City Clerk  
Mr. David C. Ridpath, Assistant City Manager  
Mr. Jim Guynn, Jr., City Attorney

Ms. Judith J. Bruce, Deputy City Clerk  
Mr. Shawn Utt, Public Relations Officer/Grants Administrator  
Mr. Zack Kyle, Director of Human Resources  
Mr. Basil Edwards, Director of Economic Development  
Mr. Scott Pochick, Director of Finance

The news media was represented by the Radford News Journal and The Roanoke Times.

Following the Pledge of Allegiance, led by Mayor Starnes, the invocation was pronounced by The Reverend John McCandlish.

**MINUTES APPROVAL:**

On a motion by Dr. Harshberger, seconded by Dr. Brown, the minutes of May 22, 2006 were approved as submitted.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	Yes
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

**JOINT PUBLIC HEARING: George Harvey rezoning request to rezone 1.134 acres on Duncan Lane from R-3 to M-1 to construct mini warehouses**

**SUMMARY:** Mayor Starnes convened a joint public hearing at 7:33 p.m. with the Radford Planning Commission to hear public comments regarding a request by Mr. George Harvey to rezone 1.134 acres on Duncan Lane from R-3 to M-1 to construct mini warehouses. Mr. Shawn Utt presented an overview of the request and Mr. George Harvey answered questions from Council. The Planning Commission will discuss the request at its June 19, 2006 meeting and report back to Council thereafter. The joint public hearing was closed at 7:39 p.m. There were no public comments. No action was taken.

**SUBJECT: Ordinance to rezone property off Tyler Avenue owned by Mrs. Irene Turner**

**SUMMARY:** Council considered the following ordinance:

**ORDINANCE NO. 1528**

**AN ORDINANCE TO REZONE A PORTION OF PROPERTY AT TAX MAP PARCELS 8-1-1 AND 8-1-2 OWNED BY IRENE NOEL TURNER FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO B-2 (GENERAL BUSINESS).**

**WHEREAS,** Irene Noel Turner, by her agent Management Services Corporation has made application to the Council of the City of Radford to have the hereinafter described property rezoned from R-3 (Single Family Residential) to B-2 (General Business); and

**WHEREAS**, the City Council and City Planning Commission, after giving proper notice to all concerned, as required by Va. Code §§ 15.2-2204 and 15.2-2285, as amended, conducted a joint public hearing on the matter on March 27, 2006, at which hearing all parties in interest and citizens were given an opportunity to be heard both for and against the proposed rezoning; and

**WHEREAS**, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

**NOW, THEREFORE**, be it ordained by the Council of the City of Radford that Section 120-52 of the Code of the City of Radford, as amended, and the Zoning District Map, City of Radford, established by Zoning Ordinance 1243 in October 1996 and revised September 2000, be amended in the following particular and no other that certain tract of land being a portion of the land located at Tax Map Nos. 8-1-1 and 8-1-2 consisting of 27.6 acres, more or less, more fully described in Exhibits A and B attached hereto, be and is hereby rezoned from R-3 to B-2 as set forth in the petition filed in the Office of the City Clerk on February 9, 2006 and that the zoning map be changed in this respect.

**ACTION:** Dr. Brown made a motion that the above ordinance be approved on first reading. Ms. Buchwald seconded the motion.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	Yes
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

**ADDITIONAL ACTION:** Dr. Brown made a motion that the second reading shall be dispensed with. Ms. Buchwald seconded the motion.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	Yes
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

**ACTION:** Ms. Buchwald made a motion that the following ordinance be approved on first reading. Dr. Brown seconded the motion.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REZONE A PORTION OF PROPERTY AT TAX MAP PARCELS 8-1-1 AND 8-1-3,3A OWNED BY IRENE NOEL TURNER FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-4 (MULTIFAMILY RESIDENTIAL).**

**WHEREAS**, Irene Noel Turner, by her agent Management Services Corporation has made application to the Council of the City of Radford to have the hereinafter described property rezoned from R-3 (Single Family Residential) to R-4 (Multifamily Residential); and

**WHEREAS**, the City Council and City Planning Commission, after giving proper notice to all concerned, as required by Va. Code §§ 15.2-2204 and 15.2-2285, as amended, conducted a joint public hearing on the matter on March 27, 2006, at which hearing all parties in interest and citizens were given an opportunity to be heard both for and against the proposed rezoning; and

**WHEREAS**, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City’s Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

**NOW, THEREFORE**, be it ordained by the Council of the City of Radford that Section 120-52 of the Code of the City of Radford, as amended, and the Zoning District Map, City of Radford, established by Zoning Ordinance 1243 in October 1996 and revised September 2000, be amended in the following particular and no other that certain tract of land being a portion of the land located at Tax Map Nos. 8-1-1 and 8-1-3,3A consisting of 27.6 acres, more or less, more fully described in Exhibits A and B attached hereto, be and is hereby rezoned from R-3 to R-4 as set forth in the petition filed in the Office of the City Clerk on February 9, 2006 and that the zoning map be changed in this respect.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	No
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

Second reading will be held on June 26, 2006.

**SUBJECT: Charter Cable TV Franchise transfer to Cebridge Acquisition Co. LLC – Resolution to transfer**

**SUMMARY:** Council considered the following Resolution:

**RESOLUTION NO. 2006-16**

**RESOLUTION OF THE CITY OF RADFORD, VA  
APPROVING THE ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE**

**WHEREAS**, Interlink Communications Partners, LLC (“Franchisee”) owns, operates, and maintains a cable television system (“System”) serving the City of Radford, VA pursuant to a franchise agreement (the “Franchise”) issued by the City of Radford, VA (the “Franchise Authority”), and Franchisee is the duly authorized holder of the Franchise; and

**WHEREAS**, Charter Communications Operating, LLC, the parent company of Franchisee, has entered into an Asset Purchase Agreement (the “Agreement”) with Cebridge Acquisition Co. LLC in which, among other things, the Franchisee proposes to sell and assign to Cebridge Acquisition Co. LLC certain of the assets, including the Franchise, used by Franchisee in the operation of the System (the “Transaction”); and

**WHEREAS**, Cebridge Acquisition Co. LLC will assign, among other things, its right to acquire the Franchise and System under the Agreement to Cebridge Acquisition Co. LLC (“Cebridge”) prior to the closing of the Transaction; and

**WHEREAS**, Franchisee and Cebridge have requested the consent of the Franchise Authority for the assignment of the Franchise in accordance with the requirements of the Franchise and applicable law and have filed with the Franchise Authority a franchise assignment application on FCC Form 394 that includes relevant information concerning the Transaction and the legal, technical and financial qualifications of Cebridge (collectively, the “Application”); and

**WHEREAS**, the Franchise Authority has reviewed the Application, examined the legal, financial and technical qualifications of Cebridge, followed all required procedures to consider and act upon the Application, and considered the comments of all interested parties; and

WHEREAS, Cebridge has represented it will comply with the terms and condition of the Franchise; and

**WHEREAS**, the Franchise Authority believes it is in the interest of the community to approve the Application and the assignment of the Franchise and the System to Cebridge, as described in the Application.

**NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:**

**SECTION 1.** The Franchise Authority hereby approves the Application and consents to the assignment of the Franchise and System to Cebridge, all in accordance with the terms of the Franchise and applicable law and Cebridge shall comply with the terms and conditions of the Franchise.

**SECTION 2.** The Franchise Authority confirms that (a) the Franchise was properly granted or assigned to Franchisee and is in full force and effect, (b) the Franchise represents the entire understanding of the parties and the Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise; and (c) the Franchisee is materially in compliance with the provisions of the Franchise and applicable law, and there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a default or breach under the Franchise or would allow the Franchise Authority to cancel or terminate the rights of Franchisee thereunder.

**SECTION 3.** The Franchise Authority hereby consents to and approves (a) the pledge or grant of a security interest to any lender(s) in Cebridge's assets, including, but not limited to, the Franchise, or of interests in Cebridge, for purposes of securing any indebtedness; and (b) the assignment or transfer of Cebridge's assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Cebridge.

**SECTION 4.** The Franchise Authority's approval of the Application and its consent to the assignment of the Franchise to Cebridge shall be effective immediately, and Cebridge shall notify the Franchise Authority upon the closing of the Transaction (the "Closing Date").

**SECTION 5.** The Franchise Authority releases the Franchisee, effective upon the Closing Date, from all obligations and liabilities under the Franchise and applicable law that accrue on and after the Closing Date; provided that Cebridge shall be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.

**SECTION 6.** This Resolution shall have the force of a continuing agreement with Franchisee and Cebridge, and the Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of the Franchisee and Cebridge.

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

City of Radford, VA

By:  
Name:  
Title:

ATTEST:

Clerk

**ACTION:** Dr. Brown made a motion that the Resolution be approved. Dr. Harshberger seconded the motion.

**VOTE:** Dr. Brown: Yes

Ms. Buchwald: Yes  
Dr. Harshberger: Yes  
Mr. Lewis: Absent  
Mayor Starnes: Yes

**SUBJECT: Extension of Flags on West Main Street in memory of David A. Worrell**

**SUMMARY:** Council considered Appropriation Ordinance 1505.24 in the amount of \$3,500 to purchase flags to be placed on West Main Street from Wades Foods to Preston Street and on Memorial Bridge in memory of David A. Worrell. After discussion, Council amended the appropriation to \$3,900 and a private donation of \$500.00 was also received. The following action was taken:

**ACTION:** Dr. Brown made a motion that Appropriation Ordinance 1505.24, as amended, be placed on first reading. Ms. Buchwald seconded the motion.

**VOTE:**  
Dr. Brown: Yes  
Ms. Buchwald: Yes  
Dr. Harshberger: Yes  
Mr. Lewis: Absent  
Mayor Starnes: Yes

**ADDITIONAL ACTION:** Dr. Brown made a motion that the second reading shall be dispensed with. Dr. Harshberger seconded the motion.

**VOTE:**  
Dr. Brown: Yes  
Ms. Buchwald: Yes  
Dr. Harshberger: Yes  
Mr. Lewis: Absent  
Mayor Starnes: Yes

**SUBJECT: Radford Emergency Medical Service purchase of Emergency Vehicle**

**SUMMARY:** Council considered Appropriation Ordinance 1505.25 in the amount of \$35,000 to purchase a motor vehicle for use by the Radford Emergency Medical Services utilizing restricted Four-for-Life funds. The following action was taken:

**ACTION:** Dr. Harshberger made a motion that Appropriation Ordinance 1505.25 be placed on first reading. Ms. Buchwald seconded the motion.

**VOTE:**  
Dr. Brown: Yes  
Ms. Buchwald: Yes  
Dr. Harshberger: Yes  
Mr. Lewis: Absent  
Mayor Starnes: Yes

**ADDITIONAL ACTION:** Dr. Harshberger made a motion that the second reading shall be dispensed with. Ms. Buchwald seconded the motion.

**VOTE:**

Dr. Brown:	Yes
Ms. Buchwald:	Yes
Dr. Harshberger:	Yes
Mr. Lewis:	Absent
Mayor Starnes:	Yes

**SUBJECT: Glencoe Museum Maintenance Services – Expenditure of Funds**

**SUMMARY:** Council approval is required prior to the expenditure of funds for Glencoe Museum. The following projects were considered by Council:

1. Air Condition Services Contract - \$2,580 – Maintenance agreement on the HVAC systems in the building
2. Sign on West Main Street - \$2,000 - City contribution toward a sign designed by the Beautification Commission for the facility
3. Tax Reimbursement - \$217.90 – first installment of tax reimbursement per agreement with Kollmorgen

**ACTION:** Dr. Harshberger made a motion to approve the above expenditures. Dr. Brown seconded the motion.

**VOTE:**

Dr. Brown:	Yes
Ms. Buchwald:	Yes
Dr. Harshberger:	Yes
Mr. Lewis:	Absent
Mayor Starnes:	Yes

**CITY MANAGER’S REPORT:**

1. Commissioner of Revenue response to Mayor’s request regarding elimination of vehicle decals
2. Letter from President Kyle assigning Dr. Norleen Pomerantz as University liaison to Radford City Council
3. Bikeway/Walkway Master Plan

**SUBJECT: Contract with Virginia Tech to update Bikeway/Walkway Master Plan - \$19,000.00 – partner with Pathways for Radford**

**ACTION:** Dr. Brown made a motion to authorize the City Manager to execute a contract with Virginia Tech to update the Bikeway/Walkway Master Plan. Ms. Buchwald seconded the motion.

**VOTE:**

Dr. Brown:	Yes
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Ms. Buchwald: Yes  
Dr. Harshberger: Yes  
Mr. Lewis: Absent  
Mayor Starnes: Yes

4. Letter from Dr. Chuck Bishop- Radford City Schools

**Radford City Schools**

1612 Wadsworth Street P.O. Box 3698 Radford, VA 24143

William C. Bishop, Ed.D  
Superintendent of Schools

(540) 731-3647  
Fax: (540) 731-4419

June 1, 2006

Mr. Anthony W. Cox  
City Manager  
619 Second St.  
Radford, VA 24141

Dear Tony,

Per our brief conversation at the Student Government Day luncheon, the Radford City School Board requests the opportunity to revise the Fund 5: Capital Projects Budget for the 2006-07 school year. The Board approved the revision at its meeting on May 25, 2006.

With the pending renovations of McHarg and Belle Heth Elementary Schools, it is the School Board's intent on paying for architectural and engineering services throughout the process. By paying "cash" for these services, money that is borrowed can actually be used for construction costs as opposed to soft costs.

The initial Fund 5 budget adopted March 23, 2006 was based on revenues totaling \$2,012,581. Although the revision is based on the same revenue projection, the actual change comes in how the revenue is allocated on the expenditure side of the proposed 2006-07 budget. Line 66300.3 120 Professional Services has been revised from \$500,000 to \$1,200,000 and line 64200.3310 Renovation!Improvement of Facilities has been revised from \$1,512,581 to \$812,581. These proposed changes will allow us to more accurately reflect how money is being spent in our budget. Of course, all of this is pending the adoption of the State budget, which may or may not provide the projected revenue.

If you have questions, please let me know. The School Board appreciates your willingness to consider the request.

Sincerely,

Chuck Bishop, Ed.D.  
Superintendent

5. Airport Commission Minutes
6. Update on projects

7. Thanked Radford University, Radford High School, Radford Recreation Department, and all others who made the VHSL event successful
8. Local events update

**AUDIENCE COMMENTS:**

Ms. Becky Haupt thanked Council for their continued support of Main Street Radford and its activities.

**COUNCIL COMMENTS:**

**DR. BROWN:**

Called attention to the movie in the park scheduled for June 23 and also the Fourth of July activities.

**MS. BUCHWALD:**

Noted that the Wilderness Ride brought approximately 500 cyclists to the City.

Reminded everyone of the summer lectures in Wildwood Park.

**DR. HARSHBERGER:**

Said he is looking forward to the “Friday After Five” event this week and also the employee picnic scheduled for Saturday, June 17.

**MAYOR STARNES:**

Mentioned the problem with bicycles in Bisset Park and the “near misses”. Mr. Cox reported that this will be on the discussion list for the next Council workshop.

Asked about the boat in the yard on Tyler Avenue. Mr. Cox reported that the boat is currently licensed and can be parked in the City.

**CLOSED MEETING:**

Dr. Brown made a motion, seconded by Dr. Harshberger, to convene a closed meeting at 8:55 p.m. for the purpose of discussion of personnel, real property, and legal as provided in Section 2.2-371 A, paragraphs 1, 3, and 7 of the Code of VA 1950 as amended which reads as follows:

(1) Discussion or consideration of, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees or employees of any public body, and evaluation of performance of departments.

(3) Discussion or consideration of the condition, acquisition or use of real property for public purpose, or of the disposition of publicly held property.

(7) Consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	Yes
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

No action was taken in the closed meeting.

Dr. Brown made a motion to adjourn the closed meeting. Ms. Buchwald seconded the motion.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	Yes
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

Dr. Brown made a motion to re-convene the regular meeting. Dr. Harshberger seconded the motion.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	Yes
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

**CERTIFICATION OF THE CLOSED MEETING:**

Dr. Brown made a motion that Council did not discuss anything in the closed meeting other than the three items for which it was convened. Dr. Harshberger seconded the motion.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	Yes
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

**SUBJECT: Wireless Broadband Information Services**

**SUMMARY:** Following the closed meeting, Council discussed proceeding with Phase I of Wireless/BPL Broadband services within the City. Requests for Proposals were sent out and

Designed Telecommunications, Inc. of Salem, Virginia was the lone proposer. Phase I of the project includes installation of hardware in the general area around Radford University to be completed in August 2006. The following action was taken:

**ACTION:** Dr. Brown made a motion that council authorize the City Manager to negotiate with Designed Telecommunications, Inc., and execute a contract for Phase I design not to exceed \$112,348.00. Dr. Harshberger seconded the motion.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	Yes
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

Dr. Brown made a motion to adjourn the meeting. Ms. Buchwald seconded the motion.

<b>VOTE:</b>	Dr. Brown:	Yes
	Ms. Buchwald:	Yes
	Dr. Harshberger:	Yes
	Mr. Lewis:	Absent
	Mayor Starnes:	Yes

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Anthony W. Cox, City Clerk

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Judith J. Bruce, Deputy City Clerk