

**10 Robertson St.  
Virginia**

**The "New River" City  
June 13, 2016**

**Radford,**

**Regular Meeting Number 19 of Radford City Council, F.Y. 2015-2016**

The regular meeting of the Radford City Council was convened at 7:00 p.m. in Council Chambers, 10 Robertson Street, Radford, VA. The Mayor of the City, Dr. Bruce Brown, was present and presiding. Other members of City Council present were Dr. Richard Harshberger, Mr. Daniel Keith Marshall, Mr. Robert Nicholson and Mr. David Michael Turk.

Others present were as follows:

Mr. David Ridpath, City Manager  
Ms. Melissa Skelton, City Clerk  
Mrs. Gail Cook DeVilbiss, City Attorney  
Mr. Basil Edwards, Economic Developer  
Mrs. Jenni Wilder, Public Information Officer  
Mr. Donald Goodman, Chief of Police  
Mr. Lawrence Rice, Water Plant Superintendent  
Mr. Rodney Haywood, Fire Chief

Following the Pledge of Allegiance, led by Mayor Brown, and the invocation was led by Chaplin James Henegar.

**MINUTE APPROVALS:** On a motion by Mr. Nicholson seconded by Mr. Turk, that the minutes for May 9, 2016 are approved as presented.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

**MINUTE APPROVALS:** On a motion by Dr. Harshberger seconded by Mr. Turk, that the minutes for May 19, 2016 are approved with corrections that Dr. Harshberger was in attendance at the special meeting.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

**SUBJECT:** Water Treatment Plant received the Silver award from the Virginia Department of Health.

**SUMMARY:** The Virginia Department of Health has selected the City of Radford Water Treatment Plant to receive a "silver" award for "Excellence in Water Works Operations." The City has won the "silver" designation for four years in the past, as well as received a "Bronze".

**RESOLUTIONS**

**SUBJECT: K-9 Robbie**

**SUMMARY:** Robbie, a K-9 with the Radford City Police Department, has served our community since September, 2011. Prior to joining the City, Robbie served in the United States Navy in supporting our Nation's efforts in Afghanistan. His duties with the City of Radford have focused on criminal apprehension and detection of explosives with his handler, Master Police Officer, Mike Jenkins. The Resolution recognizes Robbie's service to our community and transfers ownership to Mike for care. Robbie is retiring due to sudden illness.

**A RESOLUTION DECLARING K9 OFFICER ROBBIE RETIRED FROM SERVICE TO THE RADFORD CITY POLICE DEPARTMENT AND DONATING HIM TO HIS PARTNER AND HANDLER, MASTER POLICE OFFICER MICHAEL S. JENKINS OF THE RADFORD CITY POLICE DEPARTMENT**

**WHEREAS,** K9 Officer Robbie is an 7 ½ year old Malinois, who has been member of Radford City Police Department since September 5, 2011; and

**WHEREAS,** Robbie has helped the Radford Police Department rebuild its K9 program, with extensive training in criminal apprehension

**WHEREAS,** Robbie has also aided in growing the explosive detection program sniffing out explosives; including: black powder, C4, TNT, dynamite, ammonium nitrite, Semtex, detcord; and

**WHEREAS,** Robbie is not only brave, vigilant, and often referred to as "The Hero," but has also been instrumental in fighting crime in our community, responding to calls where criminal apprehension is needed and searching and scanning areas for possible explosives, including preparing for graduation ceremonies, alarm calls, Virginia Tech and RHS home football games; and

**WHEREAS,** K9 Officer Jenkins' favorite case with K-9 Robbie was when he was providing a search of the Radford High School parking lot. When they came to the last car Robbie laid down on his stomach and crawled under the vehicle coming out under the trunk. He sniffed the license plate and sat down. Those that knew Robbie was an explosive detection K9 started backing up asking what he was doing. The owner of the vehicle was contacted and they began to look over the vehicle for any kind of explosive devices. The owner of the vehicle opened the trunk and inside, directly in front of the license plate, was a Tupperware container with several pop snaps, a small firework sold to children to make noise. Those pops contain a minute amount of black powder, which K9 Robbie was trained to detect; and

**WHEREAS,** Robbie has been a great asset and public relations tool, providing Radford City Police Department with the opportunity to educate the youth and citizens of Radford on the importance of K9 Officers and their impact on public safety; and

**WHEREAS,** K9 Robbie will be retired from service to the Radford City Police Department and Master Police Officer Michael S. Jenkins will accept full responsibility for him.

**NOW, THEREFORE, BE IT RESOLVED** by the Radford City Council of Radford, Virginia, that K9 Officer Robbie is hereby declared retired and same is authorized to be donated to Master Police Officer Michael S. Jenkins of the Radford City Police Department.

Dr. Bruce E. Brown, Mayor

ATTEST:

Melissa Skelton, City Clerk

Adopted: June 13, 2016

Mayor Brown read the resolution for the benefit of the audience.

**ACTION:** Mayor Brown made a motion to the resolution as presented, Mr. Nicholson seconded the motion.

**VOTE:**

**AYES:** Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

**NAYES:** None-0

**SUBJECT: Christiansburg Aquatic Center**

**SUMMARY:** The City of Radford has been participating in a membership agreement for City residents with the Town of Christiansburg since January, 2016 in the Christiansburg Aquatic Center. The agreement allows for a maximum of 200 visits/month and a membership cost of \$5/day for each visitor. The membership fee is charged to the City of Radford. During the trial period of January, 2016 to June 2016 the City had 1,424 visitors at the aquatic center. The Town of Christiansburg will extend membership privileges from July 1, 2016 to December 31, 2017 under the same terms.

**ACTION:** Mr. Marshall made a motion to the resolution as presented, Dr. Harshberger seconded the motion.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

**SUBJECT: Community Garden lease extension**

**SUMMARY:** The Community Garden, located on a .87 acre parcel adjacent to Pulaski Street, has been leased by the City of Radford from the Pepper's Ferry Water Wastewater Authority since April, 2012. The property has many attributes that support this recreational project including rich soil, fencing, on site water supply and good access. The agreement was originally approved by Council Resolution and requires extension. The City and Authority have discussed the continuation of the gardens, the importance of the program, as well as extension of the lease. The Peppers Ferry Board endorsed the agreement at their meeting on June 2, 2016. The lease would be extended under similar terms for an additional five years with one year extensions permitted.

**ACTION:** Mr. Nicholson made a motion to the resolution as presented, Mr. Marshall seconded the motion.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

**REPORTS**

**SUBJECT: Festival of Lights**

**SUMMARY:** The Radford Chamber of Commerce has coordinated the City- wide Christmas holiday decorations through the Festival of Lights Committee. The project began in 2004 and has been directed by Marceline Hunter.

Marceline Hunter thanked Council for everything they have done for them. She shared that David Horton and Wayne Pridgen will be assisting her with this year's decorations since Nick Nicholson passed. Their goal is to improve both east and west Radford, Tyler Avenue and if possible, the snowman.

Mayor Brown thanked Marceline for all her work and for finding ways to make the decorations last as long as they have.

**SUBJECT: July 4<sup>th</sup> – Spirit of America Celebration**

**SUMMARY:** Ken Goodyear, Director of Parks and Recreation will update City Council on the program, highlights and preparation related to the July 4, 2016 celebration in Bisset Park.

Kenny Goodyear, Recreation Director, shared that this year they added a K-9 expedition during the Fourth of July festivities. The major sponsors are back, WDBJ 7 will start advertising. He informed them that this year Marty Raybon, lead singer for Shenandoah, will be opening up for Jimmy Fortune.

**PUBLIC HEARING**

**SUBJECT: AEP Service Easement on City property in Montgomery County**

**SUMMARY:** The City of Radford approved a cell tower agreement with a subsidiary of Verizon wireless on July 6, 2008. The tower was recently constructed on the property the City owns in Montgomery County adjacent to Peterson Drive. The original agreement references the provision of power to the facility, but indicated no specifics at the time. City electric service is not close by, nor cost efficient due to the location. American Electric Power will provide service to the cell tower, but needs an easement from the City for overhead service. An easement plat has been provided and reviewed by staff. Since the property and related easement are located on public land and in an adjacent easement, a public hearing is required prior to granting the easement.

Mayor Brown opened the public input hearing at 7:50 pm.

No Comments

Mayor Brown closed the public input hearing at 7:50 pm.

*Clerks note: Notice of the public hearing has been duly advertised.*

**OLD BUSINESS:** none

**SUBJECT: First reading of Ordinance #1681 – Storm Water Management – Illicit Discharge**

**SUMMARY:** The City of adopted Ordinance #1662 in October, 2014 to address regulations associated with the new Virginia Stormwater Management Act. The Act addresses requirements for local stormwater quality plans related to pollution prevention, permitting, record keeping, inspections, public education and enforcement. Staff has been working with the new Virginia Code requirements, as well as the local Ordinance and has been advised by DEQ to address “illicit discharge.” The proposed Ordinance #1681 establishes regulations to address uncontrolled discharge of pollutants into the local Municipal Storm System. Elements of the Ordinance include prohibited discharges, inspections and monitoring, as well as enforcement. A

public hearing was held on the proposed ordinance at the April 11, 2016 meeting. No action was taken, pending incorporation of additional state requirements.

Dr. Harshberger asked if we are held responsibility if there were a flood.

Mrs. Gail Cook-DeVilbiss, City Attorney, responded that there are a number of exceptions and the purpose of the Ordinance is to preserve our waters and to ensure that people are not dumping illegally into the storm system.

Mr. Ridpath said that when the State started looking at this it was to improve the quality of the Chesapeake Bay and has since moved out towards us. He shared that we have done a lot of proactive things including the new identification tags for all storm water inlets. This shows identifies anything going into that system will go into the river. Our next reporting is due in October.

Mayor Brown said he has a number of questions, first is on Page 2, it talks about purpose and applicability, will his sub pump be considered an illicit discharge.

Mrs. Gail Cook DeVilbiss responded that it is considered permissible.

Mayor Brown asked Mr. Ridpath if he is the administrator or has he delegated it to someone else.

Mr. Ridpath responded that for now, he is the administrator.

Mayor Brown asked who is doing inspections.

Mr. Ridpath responded that the GIS and Engineering Department were doing the inspections.

Mayor Brown noted that this Ordinance does allow us to enter into your homes and businesses make sure you are doing what supposed to do.

Mr. Nicholson asked if there is a timeline for when this has to be approved.

Mr. Ridpath stated that we need to get this done as part of our MS4 permitting process.

**ACTION:** Mr. Nicholson made a motion to place Ordinance # 1681 on its first reading, seconded by Dr. Harshberger.

**VOTE:**

Dr. Harshberger	Yes
Mr. Marshall	Yes
Mr. Nicholson	Yes
Mr. Turk	Yes
Mayor Brown	Yes

**SUBJECT: First reading of Ordinance #1684 - the Special Use Permit request from East Radford Development Corp.**

**SUMMARY:** East Radford Development Corporation has requested a special use permit for the property located at 702-708 East Main Street, Parcel # 2-(1)-3 and 3A. The developer plans to construct a mixed use development for the site with commercial use on the main floor and residential use on the upper floors. The property is zoned B-2, General Business, and requires a special use permit for the residential component of the mixed use development.

**ACTION:** Mr. Nicholson made a motion to approve Ordinance #1684 on its first reading, seconded by Dr. Harshberger.

Dr. Harshberger shared he is excited to see this first class housing for our graduation students that is close proximity to the University. What is being proposed is very appealing to young professional.

**VOTE:**

Dr. Harshberger	Yes
Mr. Marshall	No
Mr. Nicholson	Yes
Mr. Turk	Abstain
Mayor Brown	Yes

**CITIZENS COMMENTS:**

Reverend McCandlish, Radford resident, said he is appreciative of all the work that this Council does. But he also wanted to express his appreciation towards Mr. Nicholson with it being the end of his term. Specifically for his thoroughness of the job he has done and in his opinion always done his homework

Marceline Hunter, made a special request towards Mr. Mark Williams and Mr. Jeff Price, developers, to develop some patio homes which she believes is greatly needed for the senior citizens.

**NEW BUSINESS**

**SUBJECT: First reading of Ordinance #1685 – AEP Service Easement on City property in Montgomery County**

**SUMMARY:** The City of Radford approved a cell tower agreement with a subsidiary of Verizon wireless on July 6, 2008. The tower was recently constructed on the property the City owns in Montgomery County adjacent to Peterson Drive. The original agreement references the provision of power to the facility, but indicated no specifics at the time. City electric service is not close by, nor cost efficient due to the location. American Electric Power will provide service to the cell tower, but needs an easement from the City for overhead service. An easement plat has been provided and reviewed by staff. A public hearing was held earlier in tonight's meeting.

**ACTION:** Mr. Nicholson made a motion, to place Ordinance #1685 as presented on its first reading, seconded by Mr. Turk.

**VOTE:**

Dr. Harshberger	Yes
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Mr. Marshall	Abstain
Mr. Nicholson	Yes
Mr. Turk	Yes
Mayor Brown	Yes

**ACTION:** Mr. Nicholson made a motion, to place Ordinance #1685 on its second and final reading, seconded by Mr. Turk.

**VOTE:**

Dr. Harshberger	Yes
Mr. Marshall	Abstain
Mr. Nicholson	Yes
Mr. Turk	Yes
Mayor Brown	Yes

**SUBJECT: First reading Ordinance 1673.01 – Amendment to Ordinance 1673, Original F.Y. Budget for \$300,000.**

**SUMMARY:** The Radford City School Board has requested that the F.Y. 2016 Budget for the Radford City Schools be amended in the amount of \$374,400. The amendment is necessary to accommodate additional state revenue and grant funds, as well as architectural and engineering services associated with school roof replacement. The revised School Board budget with the approval of the amendment will be \$17,551,703. The School Board approved the amendment at their meeting on May 10, 2016.

**ACTION:** Dr. Harshberger made a motion, to place Ordinance #1673.01 on its first reading, seconded by Mr. Marshall.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

**ACTION:** Dr. Harshberger made a motion, to place Ordinance #1673.01 on its second and final, seconded by Mr. Marshall.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

**SUBJECT: Consider Appropriation Ordinance 1673.34: \$74,400 for roof replacement for school.**

**SUMMARY:** The appropriation will fund the engineering and architectural fees associated with a school roof replacement.

**ACTION:** Mr. Marshall made a motion to place 1673.34 on its first reading, Mr. Turk seconded the motion.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

**ACTION:** Mr. Marshall made a motion to dispense with the second and final readings and approve Appropriations 1673.34, Mr. Turk seconded the motion.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

**CONSENT AGENDA**

**SUBJECT: Consider Appropriation Ordinance 1673.35: \$2,200 for Riverview Boat Launch Project**

**SUMMARY:** The Riverview Park Boat Ramp was significantly improved in early spring with a new ramp, signage, lighting and parking facilities. The project was funded through a grant from the Virginia Department of Game and Inland Fisheries, as well as supported by local funds and in-kind improvements. Additional improvements were necessary at the end of the boat ramp following construction, to improve boat launch needs. The end of the ramp was shortened and additional bedrock removed. The unplanned cost was \$2,200 and is available from the Capital Fund.

**SUBJECT: Consider Appropriation Ordinance 1673.36: \$340,970 for Paving**

**SUMMARY:** The City of Radford received an additional \$340,970 from the Virginia Department of Transportation for F.Y. 2016 to support improvements to “primary” roadways. The funds were used to mill and pave the northbound and southbound sides of Tyler Avenue (US Route 177) from Jefferson Street to Rock Road as a corridor highway. The project was approved in the F.Y. 2016 pavement overlay plan on March 28, 2016.

Mr. Edwards stated that the City submitted a list of roads for VDOT to consider and VDOT were the ones who selected Tyler Avenue.

**SUBJECT: Consider Appropriation Ordinance 1673.37: \$503,297 General Fund Amendments**

**SUMMARY:** The Virginia Department of Emergency management has provided the City of Radford an additional \$11,660 for regional Haz Mat Team services. The Haz Mat Team includes the City of Radford, as well as the counties of Pulaski, Wythe, Giles, Bland, Floyd, Montgomery and Tazwell. The additional funding is necessary for reimbursement of the F.Y. 2016 high call volume and duration of service.

The Police Department wants to use \$6,337 in asset forfeiture funds to be used for exercise equipment and during investigations.

The Beautification Committee used \$2,952 in donations for the memorial flower beds at the entrance sign to the Recreation Center, as well as the area behind the Bisset Park gazebo.

The Regional Jail expenses are exceeding original projections due to increased service costs and billing adjustments associated with a Radford prisoner allocated to Pulaski County. The differential is \$141,630.

The EMS contract with Carilion Transportation Services had additional cost for F.Y. 2016 due to the increase in service mid-year to fully staff a second full-time ambulance for emergency medical service. The additional ambulance meets state certification requirements, improves efficiency, eliminates the need for reliance on mutual aid, as well as provides additional advanced life support on a twenty-four hour a day, seven days a week schedule. The cost is \$340,718.

**SUBJECT: Consider Appropriation Ordinance 1673.38: \$3,000 for Festival of Lights**

**SUMMARY:** The Festival of Lights committee of the Chamber of Commerce has been leading the planning, fund raising and purchase of our community streetscape holiday decorations. City Council had requested an Appropriation at the May 9, 2016 meeting to provide \$3,000 of Council “contingency” funding for the on-going holiday activity.

**SUBJECT: Consider Appropriation Ordinance 1673.39: \$1,500 for property damage**

**SUMMARY:** The grounds under Memorial Bridge, in Bisset Park were vandalized earlier this spring. An arrest and conviction was made resulting in a \$1,500 fine. The fine has been paid and since unplanned, needs to be appropriated to pay for the repairs to the park, as well as provide the reward to the person who reported the crime.

**SUBJECT: Consider Appropriation Ordinance 1673.40: \$140,817 for Water Fund Budget Amendment**

**SUMMARY:** The Water/Wastewater Fund has a shortfall in the F.Y. 2016 Budget projections related to the government services received from the Pepper’s Ferry Wastewater Treatment Authority. The regional Authority processes and treats Radford wastewater with other member jurisdictions. The additional \$140,817 cost is related to the increased cost of sewer treatment from the inflow infiltration of stormwater due to the very wet season.

**SUBJECT: Consider Appropriation Ordinance 1673.41: \$27,400 for Solid Waste Fund Amendment**

**SUMMARY:** The Solid Waste Fund has a shortfall in the F.Y. 2016 Budget projection related to the charges for government services and recycling hauling.

**ACTION:** Mr. Turk made a motion to place the consent agenda 1673.35, 1673.36, 1673.37, 1673.38, 1673.39, 1673.40 and 1673.41 on its first reading, Dr. Harshberger seconded the motion.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

**ACTION:** Dr. Harshberger made a motion to dispense with the second and final readings and approve Appropriations 1673.35, 1673.36, 1673.37, 1673.38, 1673.39, 1673.40 and 1673.41, Mr. Turk seconded the motion.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

**SUBJECT: Resolution approving Vactor Lease Agreement**

**SUMMARY:** This resolution outlines the agreement with Virginia Public Works Equipment Company – Leasing 2, Inc. for the "Vactor" which maintains the City's ninety miles of sanitary sewer system. It is used on a daily basis to clear and clean wastewater lines. The current equipment is a 1996 model and was programmed for replacement in the development of the FY 2017 Budget.

**ACTION:** Dr. Harshberger made a motion to the resolution as presented and authorize Mr. Ridpath to sign the agreement, Mr. Turk seconded the motion.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

**SUBJECT: Surplus Equipment – 1996 Vactor Truck**

**SUMMARY:** The old Vactor will be used to support the purchase as a trade with a value of \$40,000.

**ACTION:** Mr. Marshall made a motion to declare the 1996 Vactor as surplus, Mr. Turk seconded the motion.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

**PRESENTATION – Mr. Robert Nicholson**

Mayor Brown presented Mr. Nicholson with a plaque that recognize his leadership, dedication and friendship.

Mr. Nicholson took a moment to reflect on his time with Council. He thanked all those who have been a part of this, the citizens because if it was not for them, then he wouldn't be here. They elected him to represent them. He thanked each of his council colleagues and said that they don't always agree but that is what democracy is about and looks forward to continuing that

friendship. He expressed his appreciation towards all the City employees because he know they are the ones doing the work. And he shared “May God Bless You”.

**CITY MANAGERS COMMENTS:** None

**CITY COUNCIL COMMENTS:** None

Mr. Marshall made a motion, seconded by Mr. Turk to convene a closed meeting for the purpose of Discussion, or consider the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, under Virginia Code Section 2.2-3711 (A) (3).

Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, under Virginia Code Section 2.2-3711 (A) (7)

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

No action was taken in the closed meeting.

Mr. Marshall made a motion to adjourn the closed meeting. Mr. Turk seconded the motion.

**VOTE:**

AYES: Dr. Harshberger Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

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

**VOTE:**

AYES: Dr. Harshberger Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

**CERTIFICATION OF THE CLOSED MEETING:**

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

**VOTE:**

AYES: Dr. Harshberger Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

Mr. Marshall made a motion to adjourn the meeting at 9:37 p.m., seconded by Dr. Harshberger

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES: None-0

**ATTEST:**

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Melissa A. Skelton, City Clerk of Council