

The MARA-VARA *Monitor*

OCTOBER 1997 -- Volume 97:10

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The *Monitor* is published monthly by the Massanutten Amateur Radio Association Inc.
(a non-profit organizations under the IRS regulations),
for radio amateurs in the central Shenandoah Valley.

PROPOSED ROCKINGHAM COUNTY TOWER ORDINANCE CHANGED TO COMPLETELY EXCLUDE HAM RADIO

It began almost by accident. Bill Fawcett, WB4PWP, being involved with commercial radio, learned of a recommended draft ordinance affecting radio antennas. The Rockingham County Planning and Zoning commission was submitting a proposed local ordinance to the Rockingham County Board of Supervisors for passage into law. The draft ordinance placed restrictions on the placement, erection, and maintenance of radio transmitting facilities, including antennas, towers, poles, and other support structures.

The ordinance was aimed at regulating, and possibly discouraging, the plethora of cellular radio towers springing up like weeds all over the county. The proposal was especially hard-hitting to radio transmitting installations located in residential areas.

In all fairness, the writers of the ordinance had tried to make some concessions to ham radio: the original draft specifically excluded ham radio towers less than 50 feet high. This was intended to shield hams from the burdensome provisions of the rest of the bill, provisions which required costly engineering, structural, maintenance, and inspection requirements for all facilities still falling under the purview of the proposed ordinance.

But as most hams know, a 50-foot antenna height is insufficient for effective communication in many cases, especially in an area of rough terrain like the Shenandoah Valley. A ham not living on a hilltop in these parts may need 60, 70, perhaps even 100 or more feet of tower to communicate effectively across the county on the VHF bands. And the provisions of this bill would have almost ensured that towers over 50 feet would be prohibitively expensive for all but the richest amateur radio operators. Well, to get back to the story, Paul Helbert, WV3J, happened to call Bill last week about some run-of-the-mill equipment questions. In the course of the conversation Bill mentioned the draft ordinance coming before the County Board of Supervisor's meeting on Wednesday, September 24. Bill mentioned that hams might want to appear before the Board to argue against the passage of the bill.

Paul sounded the alarm. Using the MARA email distribution network, as well as the local repeaters and packet BBS systems, Paul notified the ham community. The response was truly gratifying.

Numerous local hams made personal calls (both telephone and in person) to the individual supervisors and the Board Chairman. Several local hams contacted the ARRL for assistance and recommendations. Charlie Garner, WA4ITY, a local attorney at law, assisted in drafting a professional-quality resolution on behalf of the Valley Amateur Radio Association and the Waynesboro Repeater Association. The Massanutten Amateur

Radio Association executive committee also presented arguments to members of the county Board. Bill Edmonson, W4IMS, along with Paul and others, obtained copies of relevant legislation, including PRB-1 and more recent U.S. communications laws, checking to make certain the federal preemption of local rules interfering with ham radio installations was still in effect. (It is.) Paul provided an electronic copy of the proposed county ordinance to David Fordham, KD9LA, who posted it on an Internet web page so local hams could read for themselves the actual wording of the proposed county ordinance. Mark Payne, WA4E, former police chief of the town of Bridgewater, made a personal visit to the Planning Commission (drafters of the proposed legislation), and was assured that the planning commission was sympathetic to the hams' plight.

At all times were the hams polite, courteous, and in no way confrontational. The purpose of all this activity was not to appear adversarial to the ordinance. The purpose was to simply remind the government officials of the hundreds of hours hams had spent in emergency communications support (during recent blizzards, Hurricane Fran, and other emergencies), and to politely inform them that the de facto 50-foot limitation on ham towers would inhibit some hams' ability to provide that service in the future.

Thanks to the quick communication, things worked out nicely. At the Board of Supervisor's meeting at the County Building on September 24, the ham community was represented by over forty (count'em, 40!) radio amateurs. The hams wore their callsign name badges so the supervisors could readily identify the large number of them in the audience.

To save the Board's time, five hams spoke on behalf of those present: Paul (WV3J), Charlie (WA4ITY), Elsworth Neff (K4LXG), Mark (WA4E), and Bill (W4IMS). The points put forth were short, eloquent, and to the point. They were also effective.

The Board of Supervisors, led by Chairman William B. (Bill) Kyger, Jr., commended the ham community for their public service, and stated for the record that the county appreciated our efforts. The Board then remanded the proposed ordinance back to the Planning Commission for re-writing, this time to include a complete exemption for amateur radio installations from all provisions of the proposed legislation!

But there is even more good news. During the meeting, it was discovered that an existing zoning rule requires hams to obtain a Special Use Permit before erecting a radio tower. The Board agreed in principle to strike that provision from the existing statute, thus eliminating special requirements completely for ham antennas.

There is no doubt that the professional and courteous way the hams approached this problem contributed to our success. And more importantly, the emergency service provided by hams to the local government and public service agencies during our many recent weather and rescue events had built a reputation in the minds of the officials. These two factors, combined with the quick action on the part of Bill and Paul, and the efforts of the many hams who took the time to become involved with local government of the people, by the people, and for the people, have resulted in a positive outcome from what might have been a very negative regulation.

All that remains now is to stay alert to ensure that the proposed rewrite comes to fruition, and that the final ordinance approved by the Board of Supervisors does actually contain the full and complete exemption of ham radio installations from the provisions of the bill. Hopefully, this ordinance may be used as a model for other counties and municipalities, and the hams in those communities will benefit from our efforts.

A hearty thank-you goes to the hams mentioned in this article. And generous gratitude is owed to those hams who helped but weren't named herein.

WHAT IS PRB-1?

Many new hams may never had heard of PRB-1, that important federal regulation in which the FCC preempts local rules and ordinances which have the effect of interfering, by design or otherwise, with the operation of a ham radio installation. To inform the newer hams in the valley of the provisions of this important rule, Charlie Garner has provided the following summary of the major points of the law, and additionally has added some notes on court cases involving the regulation.

EXCERPTS FROM FCC PRB-1

Charles E. Garner, WA4ITY

Adopted Sept. 16, 1985, and released Sept. 19, 1985. (The numbers below reference section numbers used in PRB-1)

Background

Paragraph 1: The ARRL filed a request for a declaratory ruling asking the FCC to delineate the limitations of local zoning and other local and state regulatory authority over federally-licensed radio facilities.

Paragraph 2: Over sixteen hundred comments were filed.

Local Ordinances

Paragraph 3: Conflicts between amateurs regarding radio antennas and local authorities regarding restrictive ordinances are common. Amateurs are governed by Part 97 of the FCC rules, and those rules do not limit the height of amateur antennas, but may be governed by FAA rules if they exceed 200 feet above ground level or are near airports. On the other hand, local governments frequently limit height and location options for health, safety or aesthetic considerations. These limitations frequently result in conflict because the effectiveness of amateur communications is directly dependent upon the location and height of the antenna.

Paragraphs 4-9: Examples included height limitations of 30 feet, set-back limitations of 150% of the antenna height resulting in a limit of 53 feet, height limits of 35 feet, requirements for anti-climbing devices, fencing, minimum distances from power lines, minimum distances from property lines, and regulations pertaining to the structural soundness of the antenna installation. Generally, amateurs do not object to safety precautions, but rather to prohibitive filing fees, and aesthetic restrictions. Amateurs also objected to restrictive covenants and leases prohibiting antennas. As they are contractual agreements between private parties, the FCC is not generally concerned about them.

Supporting Comments

Paragraph 10: The Department of Defense supported the ARRL and noted that the continued success of national security and emergency preparedness would be "severely diminished" without effective amateur facilities. DOD utilizes amateurs in the Military Affiliate Radio Service (MARS), Civil Air Patrol (CAP), and Radio Amateur Civil Emergency Service (RACES). All these programs require the participation of amateurs operating from their homes.

Paragraph 11: Various chapters of the American Red Cross also supported the ARRL since without amateurs their disaster relief operations would "significantly suffer."

Paragraph 12: Various cities and counties also supported the ARRL, saying that amateur radio greatly increased their ability to communicate during disasters, particularly tropical storms, hurricanes, tornadoes and floods.

Paragraphs 13-15: The Quarter Century Wireless Association, the ARRL and various amateurs argued that localities routinely employ a variety of land use devices to preclude the installation of effective amateur antennas, including height restrictions, conditional use permits, building setbacks and dimensional limitations. Seeking variances or special use approval unduly restricts the amateurs operations.

Opposing Comments

Paragraphs 16-19: Various cities, the National Association of Counties, the American Planning Association and the National League of Cities stated that their restrictions were reasonable compromises of amateur interests, aesthetic considerations and safety concerns, and that the FCC should not preempt local laws. These cities were of the opinion that effectiveness should not outweigh all other considerations.

Discussion and Declaration

Paragraphs 20-21: Federal preemption may occur when Congress expressly preempts state law, when Congress completely occupies a given field, or when federal law or regulations conflict with state law. In considering whether our regulations or policies can tolerate a state regulation, the FCC may consider such factors as the severity of the conflict and the reasons underlying the state's regulations. This conflict requires determination of the extent to which state and local zoning regulations may conflict with federal policies concerning amateur radio operators.

Paragraphs 22-24: Few matters present such a clear dichotomy of viewpoints. We (the FCC) believe it is appropriate to strike a balance between the federal interest in promoting amateur operations and the legitimate interests of local governments in regulation zoning matters. While recognizing legitimate and important state interests, there are certain general state and local interests which may, in their even-handed application, affect amateur radio facilities. Nonetheless, there is also a strong federal interest in promoting amateur communications as evidenced by the comprehensive set of rules adopted by the FCC. The FCC recognizes the amateur radio service as a voluntary, noncommercial communication service, particularly with respect to providing emergency communications. Moreover, the amateur radio service provides a reservoir of trained operators, technician and electronic experts who can be called on in times of national or local emergencies. By its nature, amateurs also provide the opportunity for individual operators to further international goodwill. Limited preemption is warranted. State and local regulations that preclude amateur communications are in direct conflict with federal objectives and must be preempted.

Paragraph 25: Because amateur station communications are only as effective as the antennas employed, antenna height restrictions directly affect the effectiveness of amateur communications. The FCC will not specify any particular height limitation below which a local government may not regulate, nor will we suggest the precise language that must be contained in local ordinances. Nevertheless, local regulations which involve placement, screening, or height of antennas based on health, safety, or aesthetic considerations must be crafted to accommodate reasonable amateur communications, and th represent the minimum practicable regulation to accomplish the local authority's legitimate purpose.

Paragraph 26: In addition to legal recourse, amateurs who believe that local or state governments have been overreaching and thereby have precluded accomplishment of their communications goals, may use this document to bring our policies to the attention of local tribunals and forums.

COURT DECISIONS RE: PRB-1

Bodony v. Sands Point, et al., case no. CV 86-3967, decided Sept 21, 1987 E.D. N.Y. The court granted plaintiff's motion for partial summary judgment "to the extent of declaring the 25 foot height limitation" in local zoning law is "void as it affects Bodony ... for the licensed premises" because it violates the PRB-1 (published 9/25/85 in the Federal Register, 101 F.C.C. 2d 952, Fed. Reg. 38, 813) requirement to "accommodate reasonably amateur communications, and to represent the minimum practicable regulation to accomplish the local authority's legitimate purpose." The city later settled the remainder of his claims out of court by paying the majority of his legal fees which totaled over \$60,000.00.

Bulchis v. City of Edmonds, 671 F. Supp. 1270 (W.D. Wash. 1987). "The Court grants summary judgment in favor of plaintiff, finding that the City has not applied its conditional use permit ordinance in conformity with federal regulations." Plaintiff contested city's denial of conditional use permit to erect a 70 foot retractable tower in a single family neighborhood. PRB-1 (50 Fed. Reg. 38813 (1985)) provides limited preemption of local ordinances regarding amateur facilities, similar to the preemption for satellite dish receivers provided in 95 F.C.C. 2d 1223 (1983). PRB-1 requires that local land use regulations take into consideration the needs of the amateur operator and exert the minimum control consistent with the welfare of the local community. "The process by which the City denied his application for a conditional use permit is declared invalid."

Thernes v. City of Lakeside Park, Ky., 779 F. 2d 1187 (6th Cir. 1986). City's prohibition of radio towers held invalid.

Pentel v. City of Mendota Heights, No. 93-1026, decided Jan 18, 1994. Pursuant to its zoning ordinance, the City of Mendota Heights, Minnesota, denied Pentel, an amateur radio operator, permission to erect a 68 foot radio antenna tower in her yard. Pentel then sued the city, claiming that the zoning ordinance was preempted by PRB-1, which requires the city reasonably to accommodate her amateur communications. The District Court granted summary judgment to the city, and Pentel appeals. Because we conclude that the city did not reasonably accommodate Pentel when it limited her to the continuing use of her ineffective 56.5 foot antenna, we reverse and grant summary judgment to Pentel. PRB-1 is codified at 47 C.F.R. §97.15(e) (1992). "Because there is a direct correlation between an amateur's antenna height and her ability successfully to transmit and receive radio signals, federal interests are furthered when local regulations do not unduly restrict the erection of amateur radio antennas." Local regulation may be preempted on its face if it bans or imposes unvarying height restriction on amateur radio antennas (citing *Evans and Bulchis*), or indirectly if the regulation is not applied in a manner that reasonably accommodates amateur communications (citing *Evans and MacMillan v. City of Rocky River*, 671 F. Supp. 1270 (W.D. Wash. 1987)). "PRB-1 specifically requires the city to accommodate reasonably amateur communications." "A standard that requires a city to accommodate amateur communications in a reasonable fashion is certainly more rigorous than one that simply requires a city to balance local and federal interests when deciding whether to permit a radio antenna." "Our decision does not mean that the city necessarily must grant Pentel's application as it now stands, but it does mean that the city must make a reasonable accommodation for her interests."

Evans v. Board of County Comm'rs, 994 F.2d 755, (10th Cir. 1993), upholding federal preemption.

Howard v. City of Burlingame, Nos. 90-15048 and 90-15050 (9th Cir. 1991). Amateur denied permission to erect 51 foot tower. Found to be violation of PRB-1 in District Court, 9th Cir found city's appeal moot since it had then granted Howard's request and found Howard had no 42 U.S.C. §1983 claim under the Communications Act. PRB-1 "leaves a city free to deny an antenna permit as long as it has considered the application, made factual findings, and attempted to negotiate a satisfactory compromise with the applicant." See, e.g., *Williams v. City of Columbia*, 906 F.2d 994 (4th Cir. 1990) (affirming second denial of variance for 65 foot antenna after reconsideration in light of PRB-1); *MacMillan v. City of Rocky River*, 748 F. Supp. 1241 (N.D. Ohio 1990)(PRB-1 does not mandate that city approve antenna); *Gushke v. City of Oklahoma*

City, 906 F.2d 994 (10th Cir 1985) (affirming denial of permit for 78 foot tower).

SAD NEWS

As the final article was being prepared for this month's issue, it was learned that Katherine Nauman, wife of MARA member Enos Nauman (KF4BFF) passed away around 4 pm on Wednesday, September 24, after a massive stroke. The sympathies and prayers of the ham community are with Enos and the rest of Katherine's family during this time of loss.

OCTOBER MARA MEETING PROGRAM SPECIAL

The October MARA meeting will be held at Ever's Restaurant on October 2. The program will be given by Wesley Sizemore of the National Radio Astronomy Observatory, Greenbank, West Virginia. Mr. Sizemore will discuss operations and new developments at the observatory. He will also talk about the radio "quiet zone" and how the observatory is trying to minimize the adverse effect on local hams on the UHF bands while at the same time performing their mission of listening to deep space radio emissions. The program will include color slides, overheads, and other interesting aids. All hams are welcome and invited to hear this interesting program. The meal begins around 6:30. The meeting begins at 7:30, with the program immediately following.

VOLUNTEERS NEEDED!

October is the month of public service. Volunteer communicators are needed to support several major events.

October 4-5 is the Johnny Appleseed Ride outside of Timberville.

October 18 is the Multiple Sclerosis Walk in Harrisonburg.

October 25-26 is the Bike Virginia Fall Foliage Ride in Augusta County.

There are several other possible public service events this month but which did not arrive in time to make the newsletter deadline. If you can volunteer with any of these events, get on your 2-meter radio and check into the Sunday night net at 8:00 pm on 146.625, or the Monday night net on 147.315. (The Monday night net meets on 146.550 simplex on the first Monday of each month.)

MARA PRESIDENT'S MESSAGE

Welcome to Fall! By the time you read this, the sun will be showing itself less and less, the evenings will be shorter and shorter, and you'll have less time to do antenna work before it gets really cold! The real fun won't begin till about late December or early January when it's so cold, you're soldering gun won't melt the solder, and you'll have to bring out the propane torch for soldering antenna connections! But that's what ham radio is all about, right?

We had a good group again for the September meeting, and I hope everyone enjoyed my little talk on 2 meter antennas. Be sure to make it to the October meeting: elections will be held for club officers, and Wesley Sizemore from Green Bank will present a program on the activities over there at the NRAO operation. You won't want to miss this one!

We have made it through the first part of the hurricane season with nothing happening, unlike last year when Fran hit. Remember to check your equipment, and have it ready for the next emergency, whatever it may be. Also, don't just think of VHF; if we have a state-wide or national emergency we'll need HF capability, too.

The response to September's Trader's Net was super; several items were listed and some people were contacted to get together to discuss the exchange of them. So it seems to be meeting the needs of the ham community. We will continue on as long as there appears to be an interest there. Thanks to all who have checked in with items for sale or that they were looking for. Remember, the third Monday of each month, immediately after the ARES net at 8 pm, on the 147.315 repeater. Thanks again to the repeater trustees for the use of the machine.

See you on October 2 at Ever's.

David Tanks AD4TJ
MARA President

VARA PRESIDENT'S MESSAGE

Thanks to all that attended our Sept. Club meeting. We now have a nominating committee of three for a President, Vice President and Secretary, so if you would like to hold an office please contact one of the committee members:

- Cowles Andrus KB4CNI Phone: 540 337-6452,
- Dick Waldmuller WB8GIF Phone: 540 885-0489 or
- Joe Meek KD4FKT Phone: 540 363-5933.

Before I forget it, thanks to Bill KE4LKS, Bob N4ICT and Brown N4ZHV for helping to build the J-Poles we sold for our Club Project.

Charlie Garner is real busy with his work so if you would like you may send the money for the Xmas Party reservations to me. My address is: Box 2425, Morris Mill Rd. Staunton, Va. 24401. LETS GET AN EARLY START WITH RESERVATIONS!

We had an Old Timey Wiener Roast at my house and I think everyone enjoyed it. If you were not contacted I do apologize, but my work load that week was real heavy and I did not get to make calls or put it over the air.

Bike Va. Is coming up next month the 25th and 26th so we will need all the help we can get. If you can help please let me know by Phone, my Phone No. is: 540 886-0347. I talked with Mr. Hefele and I should have the maps by this printing. I will get these out as soon as I get them.

ATTENTION ALL VARA MEMBERS Do not volunteer the Club to help with any services until we have voted on it. Except for emergencies, of course.

I would like to get an Emergency Contact list for the E.O.C. so they will know who to contact when an emergencies arrive. If anyone would like to be on the list please call me at home, 540 886-0347 or at work

540 946-1164. We will send this list to the Staunton and Waynesboro E.O.C.'s.

Hope to see all of you at our Oct. 8th meeting. Hope everyone had a good summer. I believe it is about over with now.

*Pat Smiley
VARA President*

PENDWV PACKET NODE BACK ON THE AIR

The Eastern packet node, PENDWV, on 145.690, part of the DAREN of West Virginia is now back on the air from Spruce Knob, WV. The output of the radio is 50 watts to a set of dual-dipoles up 100', fed with hardline. This is the same site as the 147.285 repeater, better known as the "HamTalk" system.

With PENDWV back on, this will provide a vital packet link back into VA which has been missed. The DAREN system is the same as the VDEN system.

*David Gordon, KB4LCI
EC for Pocahontas Co., WV
dgordon@nrao.edu*

FCC Licenses -- READY TO UPGRADE? VE TEST SCHEDULED

The next VE testing session is scheduled for October 11th at the Massanutten Vo-Tech Center. To reach the center, Take I-81 to Exit 242 (US 11 South of Harrisonburg), turn right at the traffic light at the end of the exit ramp. Turn right again at the next light (Pleasant Valley Road). The Vo-Tech center is about 1/2 mile down on the right. Drive to the far end of the parking lot, and take a right like you are going around behind the building. You will see a collection of cars with ham license plates. Look for the open doors. Registration begins at 9:00 am. The actual testing begins at 10:00 sharp.

VOLUNTEER EXAMINERS NEEDED

The local VE team needs some more help. If you are a General Class ham or above, you are eligible to become a Volunteer Examiner. The job takes only a couple of Saturday mornings a year, at your convenience. There is no obligation. If you are interested in helping others become amateur radio operators, please consider helping us out. For more information, call Buck Mowbray at 540-289-5580 or email n3riq@qsl.net, or send email randysmith@rica.net.

145.130 STATUS REPORT

Great North Mountain, up behind Basye – The Shenandoah Valley Repeater Group (SVRG) has spent 18 weekends with full crew on the mountain, 12 hours a day, developing the site of the new 145.130 repeater. They have put together a really nice building (heated and air conditioned) and transported it to the ridgetop site. The security fence is up. The base and pedestal for the tower is in, but re-engineering the tower must still be done before the final antenna is installed. Funding has run out, and the group is taking a much deserved break to spend some time with their families before doing the final polish work.

Alas, it has been discovered that someone on the mountain is generating a birdie at the repeater's input frequency, causing some interference to operation of the machine. An ongoing investigation is trying to identify the source of the signal. Hams can talk over the birdie noise. After a rest, the investigation will continue and the problem hopefully can be resolved. Currently the antenna is on the side of the building, not very high. The signal will improve dramatically once the offending birdie is taken care of and the tower antenna in place. Any help and assistance in locating spurious emissions would be greatly appreciated.

An open house was held at the site over the VHF contest weekend. Local hams got a glimpse of the many of hours of work that has gone into this project. Thanks to Rusty N4YET, Dale KD4DAI, Marshall N4ZKH, and Ronnie KS4SP for providing the funding and bulk of the work on this project. Thanks also to all those many others that helped with their efforts and time.

This has been an opportunity that few hams can experience in their lifetimes -- starting a wilderness repeater site from scratch, building the facilities, and working with the various agencies involved in land management and resources (a 2-1/2 year battle over paperwork.) The group has spent several thousand dollars of their personal money.

Although the group is not actively seeking membership or contributions, any donations would be cheerfully accepted. Dale Showalter is serving as treasurer. Dale's address is Shenandoah Valley Repeater Group (SVRG), PO Box 1308, New Market, VA 22844.

DX FROM FM25!

Dale Showalter (KD4DAI), Marshall Cooper, Jr (N4ZKH), and Rusty Bowman (N4YET), organized and ran their own mini- Dxpedition, putting a rare VHF location on the air last July.

The team operated portable in grid square FM25. Venerable old FM25 is mostly underwater, being on the edge of the ocean. The operating site was located on the Outer Banks of North Carolina, near Kittyhawk, the birthplace of flight in America. Band conditions were extremely good the entire time (the week of Monday, June 30 through and including Saturday July 5). Of course, ham radio wasn't the only activity going on that week. The group had their families along, too. While there, the entire group (families too!) attended the 60th anniversary of the longest running play in America, the Lost Colony of Roanoke Island. Two-meter-band QSO's were made with several valley hams, including Mark (WA4E), Dick (W3HXH, using only his Isopole, by mistake!), Richard (KD4UPF), Ray (KD4OXU), and several other area amateurs.

Additionally, the group worked inland North Carolina, and stations in New Jersey, Maryland, and as far away as Cincinnati and Columbus, Ohio, all on 2-meter SSB! For those of you new to the hobby, this is quite an accomplishment since the VHF bands usually are limited to line-of-sight distances.

The group used 170 watts into a 13-element french antenna, horizontally polarized. Trouble was encountered finding an operator to serve as the Arm-Strong rotator during the thunderstorms! The group enjoyed

numerous grilled meals, including fresh-caught tuna and shrimp. There has been some discussion of forming the Bubba Gump Tuna Company now that the group has learned how to prepare tuna 110 different ways. The group went to the pier and fishing. Rusty caught a flounder which bore remarkable resemblance to Dale's car. All in all, we had a great time!

Rusty Bowman, N4YET

ITEMS FOR YOUR CALENDAR

October 5: Columbia (MD) hamfest; Howard County fairgrounds, West Friendship, Maryland. For more info, see <http://www.clark.net/pub/jrmasi/caranews.html>

October 7: Skywarn Basics I Class, Sterling Weather Office. Required to become a SkyWarn volunteer. See article in last month's Monitor.

October 10-12: ARRL Digital Communications Conference, Baltimore (MD). See <http://www.tapr.org/dcc>

October 16: SkyWarn Basics II Class; Sterling Weather Office, for those who have already had Basics I.

October 18: MS Walk - Harrisonburg. Volunteers needed. Contact Norman Benner, KA4EEN on a Sunday or Monday night net.

October 18: Bristol hamfest, Johnson City (TN). For more info, call Wendell Messimer at 423-988-4407.

October 25-26: Bike Virginia Fall Foliage Ride. Volunteers needed. Tune in to the Sunday or Monday night nets.

October 26: Carroll County (MD) hamfest. Westminster, Maryland. For info: <http://www.qis.net/~K3PZN>

November 1-3: ARRL November Sweepstakes CW weekend.

November 2: Area AMSAT Convention: Greenbelt (MD), Free. Good way to get started learning about ham satellites.

November 6: SkyWarn Winter Storms class: covers special weather reporting for winter blizzards, snowstorms, and other winter phenomenon. Prerequisite: Basics I.

November 7: SkyWarn Basics II class repeat for those who miss the October 16 class.

November 15-16: ARRL November Sweepstakes Phone weekend.

November 19: last SkyWarn Basics I this year. If you miss this course, you will have to wait until next year to become a SkyWarn volunteer.

December 4: Tentative MARA Christmas Party at Pano's.

December 18: Tentative VARA Christmas Party at Ever's.

147.225 REPORT -- WINCHESTER LINK RESTORED

The N4RAG repeater group (Buck and Don) has been very busy lately putting the finishing touches on an upgrade and restoring the link with the north end of the valley.

The machine now sports an entirely new controller. Also, the machine is once again linked with the Winchester 145.210 N4RAG repeater on a full-time basis. Hams from as far south as Staunton and Greenville can now talk directly to hams on the Maryland state line north of Winchester.

The 147.225 machine is also linked to the 224.360 WV3H repeater in Winchester. These links are active 24-hours a day.

Buck wants to remind everyone that the entire N4RAG repeater system is still open for regular amateur use in the valley. No subscription or membership is required to use the repeaters. Phone patch is available to subscribers for a nominal fee (to help offset the cost of the phone line.) Buck should have the autodial numbers reprogrammed into the new controller by the time you read this.

Further upgrades are scheduled for the system. Upcoming enhancements include an AC generator at the 147.225 site for automatic cut-over upon the failure of commercial power. The generator should be installed and ready for use before the end of October at the latest.

Plans also call for the system to be linked to the 146.895 repeater in Charlottesville. This will give the network users full coverage from Scottsville and Rivanna east of the Blue Ridge, all the way up to Winchester. The 146.895 link should be up and running in about six months, according to Buck.

To avoid downtime, Buck and Don plan to maintain "hotchange spares" for all the repeaters in the system. This will enable them to change-out a failed repeater and get the machine back on the air without having to wait for repairs to the individual failed component.

Long-range plans also call for the 224.32 machine on Buck's Elbow mountain to possibly be linked with the system sometime next year.

The 147.225 machine is located on top of Laird's Knob, a few miles north of Massanutten Peak. The machine puts out about 40 watts from an antenna elevation of almost 3300 feet. Contact Buck, N3RIQ, for information on subscribing to the autopatch, at 540-289-5580, email is n3riq@qsl.net.

Get Well Soon... THE B's KNEES

Just prior to press time, word reached us that Brown Snyder, N4ZHV, is in Rockingham Memorial Hospital Room 417. Details are sketchy as this issue goes to press, but it sounds as if Brown is having some knee surgery. Apparently, the operation is needed on both his right and left legs, but doctors will be doing one at a time.

As is the case with most ham radio repairs, the entire component is being replaced rather than simply being repaired! Brown will soon sport replacement knee joints. We all hope he will be up and walking around again in no time. Get Well Soon, Brown!

FOR SALE

A Radio Shack HTX-242 2 meter FM mobile rig, excellent condition, asking \$240.00 or best offer. Call Daryl Howdysshell after 4:30 pm at 885-5321 (Staunton).

FOR SALE

HF EQUIPMENT

- Kenwood TS520 with DG5 Digital Display, External Speaker and spare set of new tubes. \$200.00
- Kenwood TS820 Very good condition. \$350.00
- MFJ 949E Tuner (cross needle meter) \$75.00
- MFJ Econo Keyer with Vibroplex Iambic Paddle (black base) \$75.00
- Cushcraft 10-3 3 element 10 meter beam \$50.00

VHF EQUIPMENT

- Alinco DR-150 2 meter mobile 50 watts \$250.00
- Kenwood TM-431 440 mobile 35 watts \$250.00

All of the above items at suggested price or reasonable best offer.

Contact Lane Hoskins KC4SFE
Harrisonburg, VA
Pager 801-1774

BEAR HUNTERS

Hello all. Give a listen on 144.500 MHz and see what you hear... For the past few days, I have heard what appears to be our yearly group of bear hunters working their dogs. I have heard references to the following geographical locations: Dry Run and Gum Run. This is in an area west of Harrisonburg.

If you are able to hear any of this traffic, please call the ARRL's representative Steve Ewald at (860) 594-0265 and report it. He is responsible for collecting data on non-amateur interference to the amateur bands, and forwarding it to the commission. It is unlikely that anything will be done by the commission regarding this matter, but, the more reports that are sent in, the better the odds are that it will be investigated.

Please do not challenge the users on the air. This will simply irritate them and will accomplish nothing of value to the ham community. And remember that it is illegal to use the ham bands to contact non-licensed radio operators.

Please forward this on to any other amateurs you think might be interested. Thanks!

Randy Smith
KN4KB
randysmith@rica.net

RESOLUTION REQUESTING MODIFICATION OF THE ROCKINGHAM COUNTY DRAFT STANDARDS FOR TELECOMMUNICATIONS FACILITIES ORDINANCE FROM THE VALLEY AMATEUR RADIO ASSOCIATION AND THE WAYNESBORO REPEATER ASSOCIATION

Editor's Note: Below is the text of the resolution presented to the Rockingham County Board.

WHEREAS, amateur radio operators have a long and proud record of service to the United States, the Commonwealth of Virginia, and Rockingham County, including not only support of community activities, but also support of vital public services in times of emergencies, all done on a strictly volunteer basis with amateurs supplying not only the trained manpower required but also the necessary equipment. Emergency services provided in recent years include provision of auxiliary communications services to the Harrisonburg/Rockingham Emergency Operations Center during the flooding in 1996 on two occasions, to the Bridgewater Rescue Squad in searches for lost or injured hikers on at least a half- dozen occasions over the last ten years, to various rescue squads in searching for lost people up and down the Valley, to many areas of West Virginia during the devastating flood in 1985, and by reporting innumerable traffic accidents and road hazards to authorities. Amateurs also routinely provide communications support to a variety of community and charity organizations including Bike Virginia, the Multiple Sclerosis Society MS 150, the Tour de Valley, and many other bicycle events, the group sponsoring horse rides for handicapped children in Rockingham County, many walks and runs for charities, many "lawn parties" including those held in Bridgewater, and a variety of other public service events. Amateurs provide a vital link in the National Weather Service Skywarn program giving advance warning of severe weather through a network of stations located throughout the area. Amateurs also have provided a highly trained pool of radio operators and technicians vital to the various war efforts of our county this century, and many of the advances in the radio science originated from amateur experimentation in pursuit of their hobby.

WHEREAS, adequate amateur radio facilities are necessary, indeed vital, to the provision of these services to the community.

WHEREAS, amateur radio operators and their installations are licensed and regulated by the Federal Communication Commission (FCC), and in some instances, by the Federal Aviation Administration, and the FCC has promulgated standards for regulation of amateur facilities.

WHEREAS, a variety of technical articles, expert testimony in several court cases, and our common experience support the finding that antenna height has a direct and quantifiable effect on the ability of amateurs to meet their communications needs.

WHEREAS, Congress passed a joint resolution stating in part "Congress finds and declares that ... reasonable accommodation should be made for the effective operation of amateur radio from residences, private vehicles and public areas, and that regulation at all levels of government should facilitate and encourage amateur radio operation as a public benefit. See Public Law 103-408.

WHEREAS, the stated goals contained in the Draft Standards for Telecommunications Facilities Ordinance (the Ordinance) presently under consideration by the Rockingham County Board of Supervisors include limiting the number of such facilities within the County and discouraging placement of such facilities in residential areas (17- 145(1)), and these goals are contrary to the goals of the FCC in supporting and encouraging the services provided by amateur radio operators.

WHEREAS, the Ordinance, perhaps inadvertently, excludes only amateur facilities "under 50 feet in height,"

when "owned and operated by a federally licensed amateur radio station operator," and when "used exclusively for non-commercial purposes."

NOW THEREFORE BE IT RESOLVED that the Valley Amateur Radio Association which has members who reside in the Rockingham County and Harrisonburg area and the Waynesboro Repeater Association whose service area includes the County, respectfully request the Rockingham County Board of Supervisors reconsider the proposed Ordinance and change Section 17-145.01-2 as follows to more reasonably accommodate the needs of amateurs within their jurisdiction:

17-145.01-2 Amateur radio antennas.

This ordinance shall not govern any amateur radio antenna or its installation if it is (1) for use by a federally licensed amateur radio station, and (2) used exclusively for non-commercial purposes.

Following, we discuss the changes made and the reason(s) such changes are desirable. First, we propose removal of references to "non-commercial antennas" since the exclusion is limited to amateur antennas/installations, and pursuant to FCC regulations, all amateur facilities are licensed for only non-commercial purposes. See 47 C. F. R. Section 97.1 et seq. If the ordinance was designed to exclude non-commercial antennas or facilities other than amateur antennas or facilities, then the requirement for an amateur license would have defeated that purpose.

Second, we removed any absolute height limitation because while adequate amateur communications depend on a variety of circumstances, in virtually all instances increased height results in higher quality, more reliable communications. Each location presents its own challenges and often locations only a short distance apart require significantly different facilities, depending on the frequencies used, climatic conditions, time of day, sun spot cycle, and etc. The FCC promulgated a Declaratory Ruling in 1985 known as PRB-1 in which they considered the competing needs of local communities to regulate amateur facilities and the federal interests served by the amateur community. In PRB-1 and since that time, the FCC has declined to specify any maximum (or minimum) height for amateur antennas. Rather, the FCC has encouraged amateurs and their local governments to work together to meet the legitimate concerns of local governments regarding public safety, welfare and aesthetic concerns while meeting the needs of amateurs for reliable, world-wide communications under a variety of conditions.

Several federal courts in deciding challenges to restrictive ordinances have also supported such cooperation. Court rulings have pretty consistently held that PRB-1 prohibits absolute preclusion of amateur facilities, and if they are to be regulated, it requires local governments to "accommodate reasonably amateur communications, and represent the minimum practicable regulation to accomplish the local authority's legitimate purpose." PRB-1 (25).

We propose changing the phrase "owned and operated by a federally licensed amateur radio station operator" for several reasons. The FCC licenses both operators and their stations, so "licensed station operator" is potentially confusing. Also, our changes recognize and accommodate the fact that some amateur facilities are owned by clubs or groups of amateurs which, arguably, might have not been included in the earlier wording. Finally, again arguably, facilities used by unlicensed "guest operators" (permitted by FCC rules when under the supervision of a licensed amateur) might have been excluded by the earlier wording. Changing the phrase to "for use by a federally licensed amateur radio station" resolves these issues while still limiting the exclusion to amateur facilities.

We believe that the requirements contained in the proposed Ordinance would be so expensive for an individual amateur to comply with that it would operate as a virtual ban on any amateur installation which did not fall within the exclusion. Therefore, we hope and ask that essentially all amateur installations be excluded from an ordinance apparently designed to regulate commercial telecommunications installations. If Rockingham County believes regulation of amateur antennas is necessary or desirable, we would be pleased

to assist the County in drafting a separate regulation which accommodates the unique needs of amateurs, respects the federal interests in promoting amateur radio, and protects the health, safety and aesthetics of the residents of the County. Thank you for your consideration of these suggestions.

This resolution was adopted by the Officers of the Valley Amateur Radio Association and the Waynesboro Repeater Association by telephone conference(s) held on Sept. 23 & 24, 1997. It was drafted by Charles E. Garner, Esq., WA4ITY, who is Treasurer of VARA, President of WRA, Assistant Technical Coordinator and Volunteer Examiner for the American Radio Relay League (the national amateur radio organization), and maintains a private legal practice in Staunton, VA. The clubs also wish to acknowledge the invaluable assistance provided by Paul Helbert, WV3J.

Note: The last sentence above was deleted from the version presented to the Board at the request of WV3J. Nevertheless, all local amateurs owe a debt of gratitude to Paul for his outstanding work on this project. CEG

VARA SECRETARY'S REPORT

September 10, 1997 Meeting

The V.A.R.A. club meeting was held at Gavid's Restaurant in Staunton on September 10, 1997. The meeting was opened by the club president Pat Smiley (KD4WWF) at 7:30 p.m. There were 17 members and one guest present.

The total amount raised with the 50/50 raffle was \$18. Ray Colvin (KE4HVR) won and collected \$9 with the remaining amount going to the club.

Pat Smiley (KD4WWF) announced that Bike Virginia will be held October 25 and 26. Everything will start and end at the Staunton Armoury. We will provide communications for this event as we have done so in the past.

Sam Pickering (KE4EKV) announced that there will be a 40th annual "Jamboree on the Air" on October 18. They are in need of a General Class or higher licensed Ham to serve as control operator for the this event, where scouts from around the world communicate to each other via Ham radio.

Jeff Rinehart (WB4PJW) spoke about the proper use of tactical calls and your own Amateur Radio callsign during events where tactical calls are used. Basically communicators need to understand that they can be referred to or acknowledged as anything such as TAC 1, SAG 4, RESTSTOP 2, etc., but they still must identify their radio station with their Amateur Radio callsign every 10 minutes and at the end of their transmission.

Dick Waldmuller (WB8GIF), Cowles Andrus III (KB4CNI), and Joe Meek (KD4FKT) were appointed as nominating committee to choose 1998 V.A.R.A. officers.

There was a motion to adjourn the meeting by Joan Pitsenbarger (KF4CWR). Nancy Colvin (KE4PHP) seconded and the meeting was adjourned at 8:10 p.m.

Submitted by:
Douglas S. Zirk (KE4RMD)
V.A.R.A. Secretary

MARA SECRETARY'S REPORT

July 10, 1997 Meeting

Following a buffet meal at Evers Restaurant at Mt. Crawford, Va., the Massanutten Amateur Radio Association held their monthly meeting on 10 July 1997. The date of the meeting had been changed by vote at the previous meeting due to the regular date falling on a holiday. The president called the meeting and asked each to introduce him/herself. There were 26 members and 3 guests present.

The following reports were given:

ARES: Norman (KA4EEN) expressed his need for volunteers to take some of the nets and then displayed a plaque presented to the club for help with a walkathon. He also asked for help to work traffic at the Bridgewater Lawn Party to be held on 18-19 July.

FIELD DAY: The report was given for the activities of Field Day. There were a total of 79 attendees registered and the total expenses were \$ 103.23.

There was no old or new business to discuss. Future Hamfests and contests coming up were discussed.

Dale (KD4DAI) reported plans to work at the repeater site on Great North Mountain on Saturday 14 July and stated they hoped to get the fencing completed.

Norman (KA4EEN) won the 50/50 drawing.

The Meeting was adjourned at 7:58 p.m. and then Ellsworth (K4LXG) gave a program and showed a video of work he had recently done on a tower in Florida.

Respectfully submitted
Wilton B. Thomas, (KF4BFL),
Secretary

The deadline for the November issue of the Monitor is Tuesday, October 21.

MARA SECRETARY'S REPORT

September 4, 1997 Meeting

The monthly meeting of the MARA club was held on 4 September 1997 at Evers Restaurant at Mt. Crawford, Va. Many of the members enjoyed the buffet dinner beginning at 6:30 p.m. and the meeting opened at 7:30 with each person introducing him/herself giving name, call sign, and place of residence. 24 members and 2 guests were present.

First order of business was to elect two new persons into membership. The meeting was presided over by the president, David (AD4TJ).

The following reports were given:

ARES: Norman (KA4EEN) reported he needed a few persons to sign up as net control for the next couple of months. After the sign-up sheet was passed discussion was held about helping with a race at Eastern

Mennonite High School on 6 September. It was decided this would not be a club sponsored activity but a number of amateurs would help. Then people were solicited to help with the Johnny Appleseed Horse Ride scheduled for 4 and 5 October. This is a club sponsored activity and the needed number volunteered. Last item was the MS Walk on 18 October and again volunteers came forward.

The treasurer, Dick (W3HXX) reported the activities of the month and a balance in the treasury of \$1,095.80.

Paul (WV3J) spoke of a tower he found advertised as a give-away. The club asked him to pursue this for the club if available.

There was no old business.

New Business: The Christmas meeting and dinner was discussed. It was voted to hold the meeting at Pano's Restaurant in Harrisonburg and each person will order from the menu and pay at the time of the meeting. This way no one will pay if they are not able to attend because of bad weather. There will be awards presented and the speaker will be John Kinard, ARRL representative for the area.

Elsworth (K4LXG) was asked to serve as public information officer.

The business meeting adjourned at 8:04 p.m. and David (AD4TJ) gave a most interesting program on 2 meter antennas. He had several types he had made and told of his experimentation and demonstrated the gain of the different ones. The program was most informative.

Respectively submitted
Wilton B. Thomas (KF4BFL)
Secretary

End of this month's issue.

MASSANUTTEN ARA

President: David Tanks, AD4TJ
Vice-President: Walt Lam, KF4BFB
Secretary: Wilton Thomas, KF4BFL
Treasurer: Richard Weaver, W3HXX
Board (exp 97): Bill Edmundson, W4IMS
Board (exp 98): Sandy Mullins, KE4PZC

THE VALLEY ARA

President: Pat Smiley, KD4WWF
Vice-President: Kenny Harris, KE4GKD
Secretary: Doug Zirk, KE4RMD
Treasurer: Charlie Garner, WA4ITY

organization under the Internal Revenue Service regulations. The Monitor is distributed to all full current members of the MARA and the Valley Amateur Radio Association under reciprocal agreements of the two clubs. All articles, comments, and material for the Monitor should be sent to the Editor, David R. Fordham, KD9LA, 131 Wayside Drive, Weyers Cave, VA 24486.

*This web page was prepared from
an ASCII version of the Monitor,
by David R. Fordham, KD9LA*

*It does not necessarily contain all information
which appeared in the paper copy.*
