

At the recess meeting of the Giles County Board of Supervisors on Thursday, April 21, 2011, at 6:30 PM in the Giles County General District Courtroom, 120 North Main Street, Pearisburg, the following were present:

Eric Gentry	Chairman (Eastern District)
Paul "Chappy" Baker	Vice Chairman (At-Large Supervisor) (Absent)
Howard Spencer	Western District
Richard McCoy	At-Large Supervisor
Barbara Hobbs	Central District
Chris McKjarney	County Administrator
Craig Whittaker	Zoning Agent
Susan Kjidd	Board Secretary

CALL TO ORDER/INVOCATION

Mr. Gentry called the meeting to order. Mr. Whittaker offered the invocation and led the Pledge of Allegiance. Mr. Gentry announced that public hearings would begin at 7 PM if anyone wished to sign up to speak at them.

ANIMAL SHELTER UPDATE

Barbara Link presented updates on the Animal Shelter. She said these numbers were from the State Animal Control Board. In 2010 the shelter took in 661 cats and 420 dogs. Of these 8 cats were adopted and 426 were euthanized. Thirty-two (32) dogs were adopted and 108 were euthanized. Others were reclaimed by owners or transferred to a rescue shelter. Ms. Link compared these numbers to Montgomery County, which does not pick up cats. Montgomery County picks up twice the number of dogs but only euthanized 80. Most of their dogs were adopted. She realized Montgomery is a larger county, but she felt the adoption rate for Giles is very low and something they need to work on. Part of that may be location of the shelter, but Ms. Link did not feel the county needed a new shelter at this time. She has been there several times recently and it is a nice shelter, clean and well run. It is a nice facility but may need to be advertised better. She noted that other rescue groups also bring animals out to other locations like Pet Smart for adoption days and that might be something to consider.

Ms. Hobbs asked how she felt about the hours of operation at the shelter. Ms. Link said the volunteers and Animal Control Officers seem to be keeping up with that. It is open Saturdays and Sundays from 2 to 4. Ms. Hobbs asked if she saw a trend in the numbers; if things were looking better for this year. Ms. Link did not have those figures and said Ms. Link-Owen may have some of those figures to present.

Mr. Gentry said Giles County has to have an Animal Shelter and they also need to have volunteers to run it. This has to be done under the Code of Virginia. He said there is a situation where they have a volunteer who is no longer able to volunteer. He asked Animal Rescue to find a way to use all the people who want to volunteer and leave personalities out of it. He was not in favor of an entity that does not allow able and willing volunteers to serve. He would like to see everyone get along and work this out. The county has to have the Shelter and they have to have the volunteers. All the volunteers do a fabulous job out there.

BUDGET FY 11-12 – SET PUBLIC HEARING

Mr. McKjarney noted the board members have a copy of the proposed budget for FY 11-12. Staff is proposing to move forward with a notice of no tax increase. They recommend holding the public hearing as soon as possible to allow the Commissioner and Treasurer's offices to get the tax billing information out. Ms. Hobbs noted that once the budget and tax rate are advertised, it can be reduced but not increased.

Ms. Hobbs moved to advertise for a public hearing on the FY 11-12 budget and setting the tax rates with no tax increase from the previous year. Second by Mr. McCoy. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Gentry, Mr. Spencer, Mr. McCoy; Mr. Baker-Absent.

STOCK PEN WATER RESOLUTION – VDOT BOND

Mr. McKJarney presented a resolution in lieu of a bond for \$25,000 to VDOT. The county has had other resolutions to cover recent projects, but those have been used up. This is standard on these types of projects.

Mr. Spencer moved to approve the resolution in lieu of \$25,000 bond for VDOT for the Stock Pen water project. Second by Mr. McCoy. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. Gentry, Mr. Spencer, Mr. McCoy; Mr. Baker-Absent.

NRV PDC INTERGOVERNMENTAL REVIEW

POLLUTION PREVENTION INITIATIVE

Mr. McKJarney presented an Intergovernmental Review for DEQ's Pollution Prevention Initiative from the PDC. He said normally these are simple things and he can sign off on them as approve or disapprove. However, he felt the board needed an opportunity to review and comment on this one. Ms. Hobbs asked how this might affect things like the Rich creek/Glen Lyn sewer plant and other septic plants. Mr. McKJarney said he could not answer that. The only information he has received from the PDC was with this review. Mr. Gentry felt this contained "slippery" language. He is concerned because Giles is in a coal producing area and has many coal using or related industries in this county. Mr. McKJarney said there were at least 6 industries tied to coal here. Mr. Gentry noted that this would directly affect them and the equipment used for that. He did not see how this could be good for the county. Ms. Hobbs asked if perhaps they were reading more into it than was intended. Mr. McKJarney said federal money is used to study emissions and addresses four of EPA's national focus areas: greenhouse gas reduction, toxic and hazardous materials reduction, resource conservation and promotion of business efficiency. Mr. Spencer said there was recently an initiative asking for comments about expanding EPA's regulatory control – this seems to be related to that. Mr. McKJarney said this is about a \$190,000 grant to the Virginia DEQ. Mr. Spencer said this information says it will expand and enhance the agency's (DEQ's) programs. Mr. Gentry felt this could be developed to use against industries here. He said there are check boxes for approval or disapproval with a comment. Board members agreed they did not feel they could check approval of this initiative. Mr. McKJarney asked that comments be emailed to him by Monday and he would draft a response.

RICH CREEK ASSISTED LIVING

This intergovernmental review was for the proposed assisted living facility at Rich Creek. Board members were unanimous in their support of this project.

PUBLIC COMMENTS

Christine Link-Owens: Ms. Link-Owens said much of the information she had was the same as what Ms. Link presented. The total number of animals coming out of the shelter is about the same over the past six years – averaging about 40%. What is changing is the adoption rate versus the transfers (rescues). Some of that could be because they are getting better at moving the animals out before people have a chance to adopt them. She said they also see a big drop after the new fee was put in – a \$150 deposit to adopt an animal. Sometimes people come to adopt and don't know about the fee. They can go to other local shelters and the animals are already spayed or neutered or they can purchase a spay/neuter certificate for \$60. That may be the reason adoptions are down.

Ms. Hobbs asked what happens to animals that are transferred out. Ms. Link-Owens said they do not always know. They screen very carefully and do hear back on the spay/neuter information. Occasionally, the person adopting the animal will contact the shelter but that is rare. Ms. Hobbs asked when the animals go to other shelters are they adopted or do some get euthanized. Ms. Link-Owens said they would be adopted unless they become ill or something like that. If they get adopted, Ms. Hobbs asked if we could find out the other agencies secret. Ms. Link-Owens said most of those agencies spay/neuter/vaccinate them and the person adopting them pays a fee after everything is done. Mr. Gentry asked if she felt Giles should spay/neuter up front and then

charge for the cost. Ms. Link-Owens said they were in the process of talking to some local vet clinics and the new low cost spay/neuter clinic in Christiansburg to purchase pre-paid spay/neuter certificates. The person could then just purchase that from the shelter. Mr. Gentry asked how many people walked away because of the cost. Ms. Link-Owens said she did not know.

Ms. Link-Owens supplied the board members with a memo on what happened with the organization in 2010. Girl Scout Troop 510 worked on a project to landscape the shelter, install outside runs and painted a mural. The rescue group also held a spay/neuter clinic for pit bull breeds and were able to get 8 people to bring their dogs in. They held a rabies clinic in October and vaccinated 80 pets within a couple of hours. They plan another of those soon. The rescue groups' membership has doubled. They have rescued 402 pets and that is up from 336 in the previous year. People were given financial assistance in spaying/neutering about 99 pets last year. She said they began a public education campaign on spaying/neutering, promoting adoption, and encouraging support of the shelter. The volunteers continue to provide assistance at the shelter on weekends and also coordinate volunteer groups from Virginia Tech to assist there. In addition, she said this was a very successful year in getting donations of food and supplies. Mr. McKJarney noted that Wal-Mart is back on board with donations also.

Ms. Link-Owens said there was a new board of directors with the rescue group and they have 22 members. They are currently working on up-dating the training protocols and volunteer education. Mr. Gentry asked where those protocols were coming from. Ms. Link-Owens said it is a combination of what the county, Animal Control officers, and state recommended. The group is also working to develop a website that gets information to people in a more timely manner. This work is being done by two Virginia Tech student volunteers. Volunteers also continue to transport animals to vets, foster homes, etc. Board members thanked Ms. Link-Owens for the group's work and the report.

PUBLIC HEARINGS

Special Exception - Cell Tower – Patterson

Mr. Gentry opened the joint public hearing. Mr. Whittaker reported this was a public hearing for a special exception request by Cellere/Central States Tower to construct a 150 foot monopole communication tower on property owned by Lucille Patterson. The property is zoned A-1 and located at 362 Moye Road, Pearisburg – in the Staffordsville area. Dave Larsen is the agent and Mike Pace is present on behalf of this application. Mr. Whittaker shared a simulated view of the tower as it would be situated on this property. He said this location was visible from the highway (Route 100). The county's consultant, George Condyles, was not at the meeting but had submitted his findings to the Planning Commission and board members. The applicant has received Mr. Condyles comments as well. Mr. Whittaker said the consultant found there was technical merit to this application and the towers were necessary in order to provide service along this corridor (in conjunction with the other proposed towers). Mr. Condyles also had another statement concerning the height and Mr. Whittaker deferred to Mr. Pace concerning that. Mr. Whittaker said he met with Mr. and Mrs. Mullis who live behind this site. Mr. Bures will present comments on their behalf.

Allen Bures: Mr. Bures stated he was present to speak on behalf of the Mullis' who are adjacent property owners. He lives in Pulaski County but his friends were unable to attend this meeting and asked him to speak for them. They requested that this special exception request be denied or, in the event it was determined to be essential, an alternate site be found and used. Mr. Bures read a letter from Mr. and Mrs. Mullis (attached).

Lucille Patterson: Ms. Patterson said there would be a forest surrounding this tower and only the very top of it can be seen from the Mullis' property. She said this contract for a tower has been signed longer than Mr. Mullis has been living on that mountain. She did not think it would hinder Mr. Mullis view.

Linda Hardy: Ms. Hardy said they (Mullis') did not understand what it was like to live out there without cell service. Their phones work because they are on top of the hill. No one else can get service though – not even to call

911. The road is already there, so they would not even have to construct one. This is the best location for a tower.

There were no other comments from the public or Planning Commission members.

Mike Pace: Mr. Pace thanked the staff for doing a great job of working through these applications. He said there were a couple things he would like to point out and that Mr. Condyles report was very helpful. Mr. Pace said they have been working to get coverage from Pulaski to Giles for a long time. The company he represents has 11 sites in the county – 8 of those are co-locates. They do try to co-locate whenever possible. However, the Route 100 area has been very challenging. There is a serious need for cell coverage along Route 100, but they are trying to be very sensitive when they do this. This tower, along with the other two that will be presented, is 150 feet. The ordinance puts them in a dilemma though and that is what the consultant report shows. At 150 feet, this is marginal coverage and does not provide co-locate sites for anyone else because of the height. Engineers have demonstrated that 150 feet will work – marginally – but it will work. Mr. Pace said they do not come unless they can demonstrate need and often higher height is not what everyone wants. It is very clear though to Cellere and AT&T that higher would be better. It would allow better coverage and would preserve two and possibly three co-location opportunities.

Mr. Pace said at this time, they could ask the board to go up in height or go forward with 150 feet. The problem is the ordinance which says they cannot go above 150 feet unless they justify it and must provide three co-location sites. He said what they have designed is a system that will work for AT&T and it may or may not provide co-location opportunities. Extending it higher is probably the likely choice unless the Planning Commission and board would ask to have the applications amended and go higher. He said they would appreciate comment and input on that.

Mr. Pace noted at this point they have submitted an application and it has been vetted by staff and the consultant. It meets the zoning ordinance and is consistent with the Comprehensive Plan by providing safe, consistent cell phone coverage along Route 100 while considering health, safety, welfare and economic development in the county. The application is complete and it has been demonstrated that 150 feet will work but it would be better if it was higher and also allow more co-locates. Mr. Pace said he did feel the submitted application should be accepted and they be allowed to proceed.

Mr. McCoy asked if there was a section of the ordinance that refers to extending existing towers if co-locate opportunities came along. Mr. Whittaker said there have been modifications to the ordinance that state if there is any modification in the height at all, it has to come back before a public hearing. Mr. Pace said they do recognize that this tower will be visible and appreciate the letter and comments made by the adjacent property owner. He pointed out this is a very wooded stretch with a lot of trees over 50 feet tall. The property owners will be able to see it from their house, but Cellere was not able to find a location where it would not be visible to anyone.

Mr. Gentry said that the consultant stated that 40 foot higher would be what he would recommend. He asked if that could be done on a per tower basis and saying because of the visibility of this one, make it a little lower. Mr. Pace said if this one is approved at 150 feet and the others higher, it would work. Ms. Hobbs asked if she understood the report to say they will not get the coverage they need at 150 feet, nor would they be able to do co-locates. Mr. Pace said for all the carriers that he knows of, below 150 feet at this location will not provide them with a co-locate that will work. Mr. Gentry said they could do one below. Mr. Pace said they do but the question is how effective it would be. He said they would have to go back through and get another special exception to construct a higher tower. Mr. Gentry said when this started a few years back and the board had Mr. Condyles review these and work on the ordinance. The county wanted to make sure the newly erected towers could serve the public and have enough space to be utilized in the future and that they would not have to come back and find a three-year old tower was obsolete. It was based on future need versus current use. Mr. McCoy said the intent of that was if they cannot co-locate and have to erect a tower, then construct the tower so others can co-locate on it and not have three or four towers in the same area. Mr. Pace said they have co-located a lot

of those. Eight of the eleven they have are co-locates. They have co-located on every existing structure they can find and only put up a new tower where absolutely necessary. If the board keeps the height of these towers at 150 feet, they will work but it will not be optimal. He felt they could justify 170 feet would be better. Ms. Hobbs said this public hearing is for an advertised 150 foot tower. If that is satisfactory, then it will be sent to the Planning Commission for recommendation. However, if they want 170 feet, they are going to have to reapply. Mr. Pace said rather than reapplying, they would amend the existing application. Mr. Whittaker agreed and said it would have to be readvertised. Mr. Gentry said it requires a request from the applicant. Mr. Pace said they did not have the report from Atlantic Technologies at the time they filed the application. The county's consultant is the one that suggested it should be higher.

Mr. Whittaker said Mr. Condyles statement was that he ran an equal coverage map and believed the applicant's network can work marginally at 150 feet. However, any future land/mobile radio applicant would have to mount above that 150 foot level in order to have consistent coverage of a 3G or 4G network along the Route 100 corridor. Something might work marginally below that.

Ms. Hobbs said if the board knows in advance that approving this at 150 feet does not allow co-location, then they cannot hold the tower company responsible for building it too low. Mr. Gentry said that is the height they requested. Ms. Hobbs said that was true but they can't be held accountable if the board knows it is too low. Mr. Larsen with Cellere said that building the tower at 150 feet does allow collocation below that, but they cannot prove how well it will work for anyone else. They know 150 feet works for AT&T and there will be space available below that. Mr. Whittaker said the consultant did run propagation maps for different heights and there are several things going on here but they depend on other tower sites being approved.

There were no other comments and Mr. Gentry closed the public hearing. The matter was referred back to the Planning Commission.

Special Exception – Cell Tower – Orr

Mr. Gentry opened the public hearing. Mr. Whittaker presented information on this request to construct a 150 foot monopole communication tower about 4.5 miles south on Route 100 on Keffer Road. The property is owned by Dwight and Mary Orr of Keffer Road, Pearisburg. The property is zoned RRA-1. He shared a visual simulation picture of what the proposed tower would look like on the property. Mr. Whittaker said he had received only one comment from Mr. Earl Shean who owns property across Route 100 from this site. Mr. Shean supported this application and had no objections. The consultant, Mr. Condyles, made essentially the same comment about this tower site as he did on the Patterson site. There were no other comments and Mr. Gentry closed the public hearing and referred this back to the Planning Commission.

Special Exception – Cell Tower – Moye

Mr. Gentry opened the public hearing. Mr. Whittaker presented this special exception request to construct a 150 foot monopole communication tower at 218 Camp Meeting Road – about .3 miles from the intersection of Broad Hollow and Camp Meeting. The property is zoned RRA-1. Mr. Whittaker said the existing farm road would have to be improved just as they have done in other locations. He said he had received one phone call from Mr. Ed Gallimore who owns the property between Route 100 and this property. He stated that if this application benefits Mr. Moye and the community and has the least impact on adjacent property, he supports the proposal. The consultant comments were essentially the same for this site as for the Patterson and Orr sites, with the same concern over height. There were no other comments from the public or Planning Commission. Mr. Gentry closed the public hearing and referred this back to the Planning Commission.

PAYMENT OF WARRANTS

Mr. Spencer moved to appropriate funds in the amount of \$389,752.58 for payment of warrants as presented. Second by Mr. McCoy. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Spencer, Mr. Gentry, Ms. Hobbs; Mr. Baker-absent.

SCHOOL BOARD APPROPRIATIONS

Mr. McCoy moved to appropriate \$2,214,378.26 for the School Board for the month of April, 2011, which includes \$109,639.84 in construction funds. Second by Mr. Spencer. Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Spencer, Mr. Gentry, Ms. Hobbs; Mr. Baker-absent.

SOCIAL SERVICES APPROPRIATIONS

Ms. Hobbs moved to appropriate funds for May, 2011 for Social Services in the amount of \$180,000, for CSA in the amount of \$181,075 (\$52,246 local funds), and \$13,623 (no local match) for Adoption Subsidy and Special Needs Adoption Programs. Second by Mr. McCoy.

Discussion: Mr. Gentry asked what could be done about CSA costs. Ms. Hobbs replied that there was nothing that could be done since these are mandated by the courts. Social Services is doing all they can to hold costs and only takes care of those mandated cases. Mr. McCoy said it is likely to get worse because the governor wants to cut the state portion and send this back to localities.

Approved unanimously (4-0). Voting YES: Mr. McCoy, Mr. Spencer, Mr. Gentry, Ms. Hobbs; Mr. Baker-absent.

EXECUTIVE SESSION

Mr. McCoy moved to go into Executive Session as permitted by Virginia Code 2.2-3711 A(1) Personnel. Second by Mr. Spencer. Approved unanimously (4-0). Voting YES: Ms. Hobbs, Mr. McCoy, Mr. Spencer, Mr. Gentry; Mr. Baker-Absent.

Mr. McCoy moved to certify that in the closed session just concluded, the Board discussed nothing except the matters specifically identified in the motion to convene and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Second by Mr. Spencer. Approved unanimously by roll call vote – Voting YES: Mr. Spencer, Mr. Gentry, Ms. Hobbs, Mr. McCoy; Mr. Baker – Absent.

No further business was introduced. Mr. Gentry adjourned the meeting. The next meeting is scheduled for Wednesday, May 4, 2011, at 10 AM in the General District Courtroom, 120 North Main Street, Pearisburg, Virginia.

APPROVED:

Chairperson

ATTEST:

Clerk

(Herman) Thomas and Diane Mullis
290 Moye Road
Staffordsville, VA 24167
April 15, 2011

Craig Whittaker, Zoning Administrator
Giles County Administration
315 North Main Street
Pearisburg, VA

Dear Mr. Whittaker:

Thank you for the packet concerning the proposed cell phone tower to be located on Moye Road in Staffordsville. As adjacent property owners, we would like to go on record as opposing the proposed tower location, as it would seriously detract from our view and reduce the value of our property. We will be out of town and unable to attend the hearing on April 21. However, we anticipate that a friend, Dr. Allen Bures, will be able to represent us with this letter.

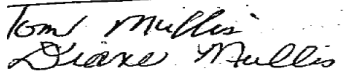
We are providing pictures which should make clear the visual impact that the proposed tower would have on the view from our house. Though it is stated that the nearest residence (ours) is about 1500 feet from the proposed site, the tower would rise 150 feet directly in front of our living room windows and deck. We bought the property in 2005 because we fell in love with the pristine view of the mountains and meadows of Giles County. We moved from Radford, lived here in a double wide for a few years, and have just now moved into our newly constructed home which was planned and built to focus on this wonderful view. Our new home has numerous windows that look out toward Angels Rest and Bald Knob. Having a huge tower in the middle of this pristine view would be an eyesore and would diminish our property's value.

Our request is that, if a tower must be constructed (and we would prefer not) an alternate location be found for it. It appears to us that Mrs. Patterson has ample property so that the tower could be located in an area that would not have as great a visual impact. Visual obtrusiveness could be reduced if the pole had a background of mountain rather than sky. It does not appear that the surrounding tree coverage and foliage is sufficient to effectively screen the view of the tower in the proposed location.

Please give the utmost consideration to our plight. While we appreciate the need for improved communication in our area, it is our desire and belief that this can be accomplished without the negative impact the proposed location would have for us, in terms of both the view and the value of our property.

Thank you very much for your time and attention to this matter.

Sincerely,



Tom and Diane Mullis

April 21, 2011