

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 16<sup>th</sup> DAY OF NOVEMBER, 2015 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	William H. Brown	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Matthew R. Gabriele (arrived 6:45p.m.)	
	M. Todd King	
	Annette S. Perkins (arrived 6:30 p.m.) (left 9:05 p.m.)	
	Christopher A. Tuck	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Deputy County Administrator
	Martin M. McMahon	-County Attorney
	Emily Gibson	-Planning Director
	Stacye Broyce	-Human Resources Director
	Ruth Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (3)      Discussion or Consideration of the Acquisition of Real Property for 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

1. Former Blacksburg Middle School

(7) Consultation with Legal Counsel and Briefings from 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 Provision of Legal Advice by Such Counsel

1. Mountain Valley Pipeline

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment, Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

- 1. CPMT
- 2. Pepper’s Ferry Regional Wastewater Treatment Authority (PFRWTA)
- 3. New River-Highlands Resource Conservation and Development District (RC&D)
- 4. Social Services Board
- 5. Personnel

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Gary D. Creed	None	Annette S. Perkins
M. Todd King		Matthew R. Gabriele
Mary W. Biggs		
Christopher A. Tuck		
William H. Brown		

Supervisor Perkins arrived at 6:30 p.m.  
Supervisor Gabriele arrived at 6:45 p.m.

**OUT OF CLOSED MEETING**

On a motion by Gary D. Creed, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the forgoing motion was as follows:

AYE

M. Todd King  
Mary W. Biggs  
Annette S. Perkins  
Christopher A. Tuck  
Matthew R. Gabriele  
Gary D. Creed  
William H. Brown

NAY

None

**CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs  
Annette S. Perkins ( for time present)  
Christopher A. Tuck  
Gary D. Creed  
M. Todd King  
William H. Brown

NAYS

None

ABSTAIN

Matthew R. Gabriele

### ABSENT DURING VOTE

None

### ABSENT DURING MEETING

None

Supervisor Gabriele abstained from voting due to being absent during the majority of the Closed Meeting.

### INVOCATION

A moment of silence was led by the Chair.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

### PUBLIC HEARING

Ordinance Amending Chapter 2, Adding Section 2-32.1 Proration of Tangible Personal Property Tax on Motor Vehicles, Trailers, Semi- Trailers and Boats

**An Ordinance Amending Chapter 2, Entitled Administration, of the Code of the County of Montgomery, Virginia by Adding Section 2-32.1 to Establish the Proration of Tangible Personal Property Tax on Motor Vehicles, Trailers, Semi- Trailers and Boats.**

Martin McMahon, County Attorney, summarized the proposed ordinance. Mr. McMahon explained that the County, under state law, has the authority to implement proration on personal property. He explained the requirements and the differences between a proration county vs a non-proration county.

Richard Shelton, Montgomery County Treasurer, spoke in opposition to the proposed ordinance to implement proration of personal property tax. Mr. Shelton commented that his office has not had time to test the function of proration and requested the Board to delay making a decision on proration and to grant him a year to perform the necessary testing his office needs.

Paul Hester spoke in support of the proposed ordinance to establish proration of personal property tax in Montgomery County. Mr. Hester believes that proration is a fair way to tax personal property. He commented that the Commissioner of the Revenue's Office received numerous phone calls from taxpayers asking why the County is billing them for a full year on a vehicle that they no longer own.

Tom Bland, speaking as a citizen and as the County's Assessor stated he believes proration is fair and equitable. Mr. Bland stated the County already prorates real property and the same method would be applied to personal property.

Jessie Moore, Deputy Commissioner of the Revenue, stated that the billing process for personal property and abatements will remain the same.

There being no further speakers the public hearing was closed.

The Board directed the proposed ordinance be added to the Board's December 14, 2015 agenda for consideration.

### **PUBLIC ADDRESS**

Tim Wimmer asked the Board for their help to get some type of traffic control at the intersection of US 460 and Alleghany Springs Road. Mr. Wimmer requested another traffic study be done to determine if a stop light/caution light and/or a deceleration lane is needed. He believes there are several options available to be considered.

Jessica Wilson expressed her concerns with safety issues at the intersection of US 460 and Alleghany Springs Road. Ms. Wilson stated there are a lot of residential and business mix in this area and it is difficult to enter US 460 from Alleghany Springs Road. There are a lot of school children who are crossing the road to the Meadowbrook Library. She stated a signal light and crosswalk are needed. Ms. Wilson asked for the Board's help in getting VDOT to conduct another traffic study.

Angela Stanton spoke in support of the resolution for the County to file a motion with FERC to seek intervenor status in the Mountain Valley Pipeline application. Ms. Stanton expressed her appreciation to the Board of Supervisors and staff who have spent numerous hours on the pipeline issues.

Sandra Schlaudecker spoke in support of the resolution for the County to file a motion with FERC to seek intervenor status in the Mountain Valley Pipeline application.

Irene Leech spoke in support of the resolution for the County to file a motion with FERC to seek intervenor status in the Mountain Valley Pipeline application.

Bill Turner spoke in support of NTelos request for a Special Use Permit amendment to upgrade telecommunications equipment to 4G at the cell tower located on Den Hill Road. Mr. Turner hopes the upgrade will improve the cell and internet service in the area by enhancing signal strength.

Mark Cherbaka asked that the Board, when going through the RFP process for the sale of the former Blacksburg High School and Blacksburg Middle School, keep in mind a third aspect, potential tax revenue from surrounding properties. According to Mr. Cherbaka, a study conducted has shown that when a school closes that properties near the school decline in value. He stated that tax revenue can be raised by the type of future use for these properties.

Dan Berry spoke in support of the resolution for the County to file a motion with FERC to seek intervener status in the Mountain Valley Pipeline application.

There being no further speakers the public address session was closed.

### **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the Consent Agenda dated November 16, 2015 was approved. The vote was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Christopher A. Tuck	
Matthew R. Gabriele	
Gary D. Creed	
M. Todd King	
Mary W. Biggs	
William H. Brown	

### **Approval of Minutes**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the minutes dated July 27, 2015 were approved.

### **Appropriations and Transfers**

**A-FY-16-47**  
**VDOT REVENUE SHARING PROJECT**  
**REALIGNMENT OF MEADOWCREEK ROAD (SR 658)**  
**FY 2013 REVENUE SHARING PROJECT**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

930 VDOT Revenue Sharing \$1,285,000

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account		
419100	Developer Contributions	\$642,500
423103	VDOT Revenue Sharing Reimbursement	<u>\$642,500</u>
	Total	\$1,285,000

Said resolution appropriates VDOT Revenue Sharing funds.

**A-FY-16-48**  
**FORFEITED ASSET SHARING PROGRAM**  
**COMMONWEALTH’S ATTORNEY**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

200 Commonwealth’s Attorney \$4,416

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$4,416

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-16-49**  
**FORFEITED ASSET SHARING PROGRAM**  
**SHERIFF’S DEPARTMENT**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016 for the function and in the amount as follows:

321 Sheriff County \$3,513

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$3,513

Said resolution appropriates monies received from the Department of Criminal Justice Services Asset Forfeitures.

**A-FY-16-50**  
**RSVP**  
**CITY OF RADFORD DONATIONS**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, by the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

520	Human Services	\$500
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
416163	RSVP Radford Contribution	\$500

Said resolution appropriates donation monies received from the City of Radford for use by RSVP.

**A-FY-16-51**  
**APPROPRIATION OF GRANT FUNDS**  
**REGIONAL RADIO CACHE SYSTEM GRANT**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2016, for the function and in the amount as follows:

111	EMS Grants	\$150,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
434401	Federal Grants	\$150,000

Said resolution appropriates grant funds to support the Regional Radio Cache System.

**A-FY-16-52**  
**AGENDA MANAGEMENT**  
**SOFTWARE PROGRAM**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

<u>FROM:</u>		
950	General Contingencies	(\$13,000)
<u>TO:</u>		
100	Board of Supervisors	\$13,000

Said resolution transfers funds from General Contingencies to the Board of Supervisors for the costs associated with an agenda management software program.

**INTO WORK SESSION**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Paid Parental Leave

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Christopher A. Tuck	None
Matthew R. Gabriele	
Gary D. Creed	
M. Todd King	
Mary W. Biggs	
Annette S. Perkins	
William H. Brown	

**Paid Parental Leave**

The County Administrator summarized the proposed policy for the Paid Parental Leave as follows:

## **DRAFT - PAID PARENTAL LEAVE**

- A. The purpose of the Paid Parental Leave Policy is to enable eligible employees to bond with a newborn or a newly adopted child. Eligible employees will receive a maximum of four weeks (160 hours) of leave.
- B. An eligible employee must have been employed by the County for at least 12 months and worked at least 1,250 hours in the previous year. In addition, the employee must meet one of the following criteria:
  - 1. Given birth to a child;
  - 2. Spouse of a woman who has given birth to a child; or
  - 3. Adopted a child who is 17 years of age or younger.
- C. Employees who have primary employment with the County, but who also work a second, part-time job shall be eligible for leave.
- D. Temporary full-time employees are not eligible for paid parental leave.
- E. If both eligible employees work for the County, employees will jointly share four (160 hours) weeks of parental leave.
- F. Paid parental leave shall run concurrently with Family and Medical Leave Act (FMLA), as outlined in section 8.15 of the Personnel Policies and Procedures Manual.
- G. Employees shall be required to provide the Human Resources Department with appropriate documentation for leave, such as a birth certificate or letter from an adoption agency.
- H. Employee shall provide a thirty (30) day notice of the intent to utilize paid parental leave, or as much notice as practical if the leave is not foreseeable.
- I. After paid parental leave and any short-term disability leave is exhausted, the balance of FMLA leave will be compensated through employees' accrued leave and/or leave without pay.
- J. Each week of paid parental leave is compensated at 100 percent of the employees' regular, straight-time weekly pay.
- K. Female employees who are classified as a Hybrid employee under the Virginia Retirement System (VRS) shall file for short-term disability, which will cover 60% of time missed during paid leave. The remaining 40% of the benefit will be covered by paid parental leave.
- L. Paid parental leave will be paid on a twice-monthly basis on regularly scheduled paydates.
- M. The County will maintain all other eligible benefits for employees during the paid parental leave period.

- N. The employee's share of benefit premiums shall be deducted from the employee's pay in accordance with the County's normal practice.
- O. Employees are eligible for merit and/or salary increases awarded while the employee is on paid parental leave.
- P. Holiday pay will not extend paid parental leave.
- Q. If an employee elects to return to work before the end of the four week (160 hours) period, the paid parental leave benefit shall cease.
- R. Upon termination of the employee's employment at the County, he or she shall not be paid for any unused paid parental leave.

Supervisor Gabriele asked why four weeks of leave is being recommended when it was suggested six weeks be given. The County Administrator reported that the primary driver of choosing four weeks is to follow other localities practice of allowing four weeks. Fairfax, Henrico, Chesterfield all allow four weeks.

Supervisor Gabriele stated he would like to see the County be more aggressive by allowing more time but he is fine with four weeks. He stated that Netflix allows 1 year of paid parental leave for all employees. Microsoft gives up to 22 weeks, Twitter gives 20 weeks, Google gives 18 weeks and Facebook gives 18 weeks. He also stated that when the policy is adopted he would like to see language in the policy that no adverse reaction or retaliation toward the employee is given. He knows cases at Virginia Tech that employees do not use their leave because they fear retaliation from other employees.

Board members discussed the policy and pros and cons. Some Board members asked if this could be extended to allow for employees to care for elderly parents. Others believed that adopting a policy for paid parental leave is a first step towards a new benefit and could address elderly care at a later date.

The draft paid parental leave policy will be on the next agenda for the Board's consideration.

### **OUT OF WORK SESSION**

On a motion by Matthew R. Gabriele, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the forgoing motion was as follows:

AYE

Matthew R. Gabriele  
Gary D. Creed  
M. Todd King  
Mary W. Biggs  
Annette S. Perkins  
Christopher A. Tuck  
William H. Brown

NAY

None

**OLD BUSINESS**

**R-FY-16-34**

**RESOLUTION APPROVING THE REQUEST BY THE MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY FOR THE COUNTY TO PHASE OUT THE AFFAIRS OF THE PUBLIC SERVICE AUTHORITY AND TAKE OVER THE DUTIES AND OBLIGATIONS OF THE AUTHORITY CONDITIONED UPON THE COUNTY FIRST OBTAINING FROM THE GENERAL ASSEMBLY THE POWER TO REQUIRE MANDATORY CONNECTIONS TO WATER AND SEWAGE SYSTEMS**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried,

WHEREAS, The Montgomery County Board of Supervisors created the Montgomery County Public Service Authority (“the PSA”) to provide water and sewer utility service to the unincorporated areas of the County of Montgomery, Virginia; and

WHEREAS, The PSA has established a water and sewage system serving the citizens living and working in the unincorporated area of the County of Montgomery, Virginia; and

WHEREAS, On August 3, 2015, the Board of the Montgomery County Public Service Authority adopted a Resolution requesting the Board of Supervisors of the County of Montgomery, Virginia to take over the PSA’s functions of providing water and sewage service; to assume all the obligations of the PSA; to acquire all the assets of the PSA and to begin the process of phasing out the affairs of the PSA; and

WHEREAS, The Board of Supervisors desires to take over the functions of the PSA; to assume all the obligations of the PSA; acquire all the assets of the PSA and begin the process of phasing out the affairs of the PSA conditioned upon the County first obtaining authority from the General Assembly to require mandatory connections to water and sewage systems; and

WHEREAS, The PSA has mandatory connection authority under Virginia Water and Waste Authority Act but the County of Montgomery does not and the Board of Supervisors believes that mandatory connection authority is needed before the County takes over the functions of the PSA.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the request by the PSA to take over the functions of the PSA of providing water and sewage service; to assume all the obligations of the PSA; to acquire all the assets of the PSA; and begin the process of phasing out the affairs of the PSA conditioned upon the County first obtaining from the Virginia General Assembly the authority to require mandatory connections to water and sewage systems.

The vote on the forgoing resolution was as follows:

AYE

Mary W. Biggs  
Annette S. Perkins  
Matthew R. Gabriele  
William H. Brown

NAY

M. Todd King  
Christopher A. Tuck  
Gary D. Creed

RECESS

The Board took a 15 minute recess at 8:50 p.m. and reconvened at 9:05 p.m.

Supervisor Perkins left the meeting at 9:05 p.m.

**R-FY-16-35  
SPECIAL USE PERMIT  
CHARLES LEWIS WHEELING & WILLIE DOYLE WHEELING,  
(AGENT: GENTRY LOCKE RAKES & MOORE LLP)  
FOR THE PURPOSE OF AMENDING CONDITIONS  
OF SPECIAL USE PERMIT (R-FY-09-38)  
ALLOWING A 130 FOOT TELECOMMUNICATIONS TOWER  
IN THE SHAWSVILLE MAGISTERIAL DISTRICT  
PARCEL ID #028687, TAX MAP NUMBER 82-A-158**

On a motion by Mary W. Biggs, seconded by Christopher A. Tuck and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Charles Lewis Wheeling & Willie Doyle Wheeling (Agent: Gentry Locke Rakes & Moore LLP)** request for approval of amended conditions for a Special Use Permit (R-FY-09-38) on 24.9 acres in an Agricultural (A-1) zoning district allowing a 130 foot tall telecommunications tower is consistent with the County's Comprehensive Plan and is hereby **approved** with the following revised conditions:

1. Tower shall not exceed a total overall height of 135 feet inclusive of the proposed lightning rod with a ground elevation of 1,783 ft. Tower shall not have lighting unless required by the FAA. Tower shall have a base diameter not to exceed 30 inches and a top diameter of 22 inches.

2. Site development shall be in substantial conformance with the plans entitled, “NTelos Proposed 130’ Monopole Tower, RN819 – Georges Run, Friendship Road, Shawsville, VA 24162”, prepared by Terradon, dated July 16, 2008 and received by Montgomery County on September 18, 2008, as modified by plans entitled “nTelos RN819”, prepared by Warren Williams & Associates, dated May 19, 2015, as supplemented by plans prepared by Mead & Hunt, last revised on August 24, 2015.
3. Tower shall be of a “monopole stealth design” and all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure or a low profile antenna mount (distance between the face of the pole and the outer face of antennas not to exceed 72 inches). Tower shall be painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. Platforms may be permitted on the structure above the treeline; however, no dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
8. Owner/agent shall provide police, fire and rescue services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower.
  - Emergency service providers shall provide equipment.
  - Tower owner/agent shall install the antennae at market rate.
  - The second highest space on the pole shall be made available to the County.

If the County declines the offered location, the tower owner will provide the County with the next lowest location on the tower. In no case shall the County be offered a height of less than one-hundred feet (100 feet) on the tower.

The property is located at **174 Friendship Road**, and is identified as Tax Parcel No(s) 82-A-158 (Acct No. 028687), in the Shawsville Magisterial District (District C).

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Annette S. Perkins
Christopher A. Tuck		
Matthew R. Gabriele		
M. Todd King		
Gary D. Creed		
William H. Brown		

**R-FY-16-36**  
**SPECIAL USE PERMIT**  
**SANDRA GAIL JORDAN (AGENT: GENTRY LOCKE RAKES & MOORE LLP)**  
**FOR THE PURPOSE OF AMENDING CONDITIONS**  
**OF SPECIAL USE PERMIT (R-FY-09-29)**  
**ALLOWING A 165 FOOT TELECOMMUNICATIONS TOWER**  
**IN THE SHAWSVILLE MAGISTERIAL DISTRICT**  
**PARCEL ID # 026123, TAX MAP NUMBERS 83-A-27, 27D**

On a motion by Christopher A. Tuck, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Sandra Gail Jordan (Agent: Gentry Locke Rakes & Moore LLP)** request for approval of amended conditions for a Special Use Permit (R-FY-09-29) on 29.5 acres in an Agricultural (A-1) zoning district allowing a 165 foot tall telecommunications tower is hereby **approved** with the following revised conditions:

1. Tower shall not exceed a total overall height of 165 feet inclusive of the proposed lightning rod with a ground elevation of 1,545 feet. Tower shall not have lighting unless required by the FAA. Tower shall have a base diameter not to exceed 60 inches and a top diameter of 30 inches.
2. Site development shall be in substantial conformance with the plans entitled, "AT&T VA-00-200A Alleghany, ± 477 Alleghany Springs Road", prepared by Wilcox Professional Services, dated June 3, 2008 and received by Montgomery County on June 24, 2008, as modified by plans entitled "nTelos Seneca Hollow RN 818, prepared by Mead & Hunt, last revised August 24, 2015.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure or a low profile antenna mount (distance between the face of the pole and the outer face of antennas not to exceed 72 inches). Tower shall be painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.

4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. Platforms may be permitted on the structure above the tree line; however, no dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate.
9. The second highest space on the pole shall be made available to the County. If the County declines the offered location, the tower owner will provide the County with the next lowest location on the tower. In no case shall the County be offered a height of less than one-hundred twenty feet (120 feet) on the tower.
10. Intensive survey of the known "Slave Cemeteries", identified on the Survey Plan (Sheet S-1) of the site development plans, shall be performed in accordance with the Virginia Department of Historic Resource standards to determine whether possible impacts to unrecorded burials may occur as a consequence of this project (see VA DHR letter dated July 28, 2008). Fencing consisting of wooden split rail fencing or similar shall be installed around the determined cemetery boundaries. Chain link fencing shall not be acceptable. The fencing shall be reviewed, inspected and approved by the Zoning Administrator prior to initiation of any construction on the site related to the special use permit including grading and land clearing activities.

The property is located at **477 Alleghany Spring Road**, and is identified as Tax Parcel No(s) 83-A-27, 27D (Acct No. 026123), in the Shawsville Magisterial District (District C).

The vote on the forgoing resolution was as follows:

AYE

Christopher A. Tuck  
 Matthew R. Gabriele  
 M. Todd King  
 Mary W. Biggs  
 Gary D. Creed  
 William H. Brown

NAY

None

ABSENT

Annette S. Perkins

**R-FY-16-37**  
**SPECIAL USE PERMIT**  
**DEN HILL ROAD LLC**  
**(AGENT: GENTRY LOCKE RAKES & MOORE LLP)**  
**FOR THE PURPOSE OF AMENDING CONDITIONS**  
**OF A SPECIAL USE PERMIT (R-FY-09-63)**  
**ALLOWING A 120 FOOT TELECOMMUNICATIONS TOWER**  
**IN THE MOUNT TABOR MAGISTERIAL DISTRICT (DISTRICT B)**  
**PARCEL ID #006179, TAX MAP NUMBER 68-A-145**

On a motion by M. Todd King, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Den Hill Road LLC (Agent: Gentry Locke Rakes & Moore LLP)** request for approval of amended conditions for Special Use Permit (R-FY-09-63) on 44.923 acres in an Agricultural (A-1) zoning district allowing a 120 foot tall telecommunications tower is consistent with the County's Comprehensive Plan and is hereby **approved** with the following revised conditions:

1. Tower shall not exceed a total overall height of 120 feet inclusive of the proposed lightning rod with a ground elevation of 1,786 feet. Tower shall not have lighting. Tower shall have a base diameter not to exceed 48 inches and a top diameter of 22 inches.
2. Site development shall be in substantial conformance with the plans entitled, "AT&T Saint Andrews, Site No. R0339G", prepared by BC Architects Engineers, dated July 30, 2008 and received by Montgomery County on August 1, 2008. Revised Sheet No. VA-R0339G-A-1 shall be received and approved by the Zoning Administrator before site plan approval and issuance of a zoning permit. This site shall be modified by plans entitled "NTelos Ellett RN 575", prepared by Mead & Hunt, last revised August 21, 2015.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches in the top position; 24 inches may be necessary for modified flush mount antennas in the second position from the top of the structure), or a low profile antenna mount (distance between the face of the pole and the outer face of antennas not to exceed 72 inches). Tower shall be painted brown (Wooden Cabin or similar color brown). All wiring and cables shall be located inside the pole structure.
4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. Platforms may be permitted on the structure above the tree line; however, no dishes shall be permitted on the structure above the tree line.

6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall be fueled only by propane.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower.
  - Emergency service providers shall provide equipment.
  - Tower owner/agent shall install the antennae at market rate.
  - The tower owner will provide the County with a location on the tower between 86 feet and 100 feet.
9. Tower compound fence shall be screened with Leyland Cypress, six (6) feet in height and five (5) feet on center. Similar screening shall be provided along the Amodeo (Tax Map 055-16-23D)/Este's property in the line of sight of the proposed house site in accordance with the attached conceptual map dated November 6, 2008. Screening shall be approved by the Zoning Administrator at the time of the site plan approval.
10. All trees on the property (within 50 feet of the proposed lease area) shall be maintained and not removed except for damaged or diseased trees.

The property is located at **906 Den Hill Road** and is identified as Tax Parcel No(s) 68-A-145, Parcel ID 001679, in the Mount Tabor Magisterial District (District B). This property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Matthew R. Gabriele	None	Annette S. Perkins
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
William H. Brown		

**R-FY-16-38**  
**SPECIAL USE PERMIT**  
**CHARLES MCDONALD WALL & RICHARD F. WALL**  
**(AGENT: GENTRY LOCKE RAKES & MOORE LLP)**  
**FOR THE PURPOSE OF AMENDING CONDITIONS**  
**OF A SPECIAL USE PERMIT (R-FY-09-39)**  
**ALLOWING A 130 FOOT TELECOMMUNICATIONS TOWER**  
**IN THE PRICES FORK MAGISTERIAL DISTRICT**  
**TAX MAP PARCEL NO. 52-A-100, PARCEL ID 020270**

On a motion by M. Todd King, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Charles McDonald Wall & Richard F. Wall (Agent: Gentry Locke Rakes & Moore LLP)** request for approval of amended conditions of a Special Use Permit (R-FY-09-39) on 64 acres in an Agricultural (A-1) zoning district to allowing a 130 foot tall telecommunications tower is consistent with the County's Comprehensive Plan and is hereby **approved** with the following revised conditions:

1. Tower shall not exceed a total overall height of 135 feet inclusive of the proposed lightning rod with a ground elevation of 1,783 ft. Tower shall not have lighting unless required by the FAA. Tower shall have a base diameter not to exceed 30 inches and a top diameter of 22 inches.
2. Site development shall be in substantial conformance with the plans entitled, "NTelos Proposed 130' Monopole Tower, RN819 – Georges Run, Friendship Road, Shawsville, VA 24162", prepared by Terradon, dated July 16, 2008 and received by Montgomery County on September 18, 2008, as modified by plans entitled "nTelos RN516", prepared by Warren Williams & Associates, dated May 19, 2015.
3. Tower shall be of a "monopole stealth design" and all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure or a low profile antenna mount (distance between the face of the pole and the outer face of antennas not to exceed 72 inches). Tower shall be painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. Platforms may be permitted on the structure above the treeline; however, no dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.

7. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
8. Owner/agent shall provide police, fire and rescue services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower.
  - Emergency service providers shall provide equipment.
  - Tower owner/agent shall install the antennae at market rate.
  - The second highest space on the pole shall be made available to the County. If the County declines the offered location, the tower owner will provide the County with the next lowest location on the tower. In no case shall the County be offered a height of less than one-hundred feet (100 feet) on the tower.

Furthermore, the Special Use Permit is determined to be an acceptable use within the Agricultural and Forestal District (AFD).

The property is located at **1483 Matamoros Lane** in Blacksburg, and is identified as Tax Parcel No. 52-A-100 (Account ID 020270), in the Prices Fork Magisterial District (District E)

The vote on the forgoing resolution was as follows:

<u>AYE</u> Gary D. Creed M. Todd King Mary W. Biggs Christopher A. Tuck Matthew R. Gabriele William H. Brown	<u>NAY</u> None	<u>ABSENT</u> Annette S. Perkins
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**R-FY-16-39  
SPECIAL USE PERMIT  
PHILLIPS FAMILY TRUST  
(AGENT: GENTRY LOCKE RAKES & MOORE LLP)  
FOR THE PURPOSE OF AMENDING CONDITIONS  
OF SPECIAL USE PERMIT (R-FY-09-19)  
ALLOWING A 100 FOOT TELECOMMUNICATIONS TOWER  
IN THE RINER MAGISTERIAL DISTRICT  
PARCEL ID # 014354, TAX MAP NUMBER 106-4-10B, 10A, 1\***

On a motion by M. Todd King, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Phillips Family Trust (Agent: Gentry Locke Rakes & Moore LLP)** request for approval of amended conditions for Special Use Permit (R-FY-09-19) on 53.893 acres in an Agricultural

(A-1) zoning district to allow a 100 foot tall telecommunications tower is hereby **approved** with the following conditions:

1. Tower shall not exceed a total overall height of 105 feet inclusive of the proposed lightning rod with a ground elevation of 2,068 ft. Tower shall not have lighting. Tower shall have a base diameter not to exceed 30 inches and a top diameter of 24 inches (proposed size requested from applicant).
2. Site development shall be in substantial conformance with the plans entitled, “nTelos Proposed 100’ Monopole Tower, Riner – RN770, 3140 Riner Road”, prepared by Terradon Corporation, dated April 17, 2008 and signed by Timothy T. White, P.E. on May 30, 2008 (SheetsP-1 and P-2 signed June 23, 2008), as modified by plans entitled “nTelos RN770”, prepared by Warren Williams & Associates, dated May 19, 2015 and as supplemented by plans prepared by Mead & Hunt, last revised on August 24, 2015.
3. Tower shall be of a “monopole stealth design” where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure or a low profile antenna mount (distance between the face of the pole and the outer face of antennas not to exceed 72 inches). Tower shall be painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. Platforms may be permitted on the structure above the tree line; however, no dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate.

The property is located at **3160 Riner Road**, and is identified as Tax Parcel No(s). 106- 4 10B,10A,1\* (Acct No. 014354), in the Riner Magisterial District (District D).

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Annette S. Perkins
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
William H. Brown		

**R-FY-16-  
SPECIAL USE PERMIT  
VICKIE JEAN GRUVER, ET AL  
(AGENT: GENTRY LOCKE RAKES & MOORE LLP)  
FOR THE PURPOSE OF AMENDING CONDITIONS  
OF SPECIAL USE PERMIT (R-FY-07-38)  
ALLOWING A 120 FOOT TELECOMMUNICATIONS TOWER  
IN THE MOUNT TABOR MAGISTERIAL DISTRICT (DISTRICT A)  
PARCEL ID # 190148, TAX MAP NUMBER 14-A-2D**

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Vickie Jean Gruver, ET AL (Agent: Gentry Locke Rakes & Moore LLP)** request for approval of amended conditions for Special Use Permit (R-FY-07-38) on 11.884 acres in a General Business (GB) zoning district allowing a 120 ft. tall telecommunications tower is hereby **approved** with the following revised conditions:

1. Tower shall not exceed a total overall height of one hundred and twenty (120) feet and shall not have lighting. Tower shall have a base diameter not to exceed 30 inches and a top diameter of 16 inches.
2. Site development shall be in substantial conformance with the plans entitled, “NTELOS Concept Plan, RN 735 Forest Ridge (Price)” prepared by Terradon Engineering corporation, dated August 7, 2006, as modified by plans entitled “nTelos RN735”, prepared by Warren Williams & Associates, dated May 19, 2015 and supplemented by plans prepared by Mead & Hunt, last revised August 24, 2015.
3. Tower shall be of a “monopole stealth design” where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure or a low profile antenna mount (distance between the face of the pole and the outer face of antennas not to exceed 72 inches). Tower shall be painted brown (Twisted Branch or similar). All wiring and cables shall be located inside the pole structure.

4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. Platforms may be permitted on the structure above the tree line; however, no dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the County Zoning Ordinance.
7. All trees on the property (within 50 feet of the proposed lease area) shall be maintained and not removed except for damaged or diseased trees.
8. Supplemental power, if necessary, shall be provided by a propane-powered generator. No permanent gasoline or diesel fuel source shall be permitted.
9. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate.

The property is located at **4180 Pandapas Pond Road** and is identified as Tax Parcel No. 14-A-2D (Acct # 190148) in the Mount Tabor Magisterial District (District A).

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Christopher A. Tuck	None	Annette S. Perkins
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
William H. Brown		

**R-FY-16-41**  
**SPECIAL USE PERMIT**  
**WALTER T. & SHERRY K. SAVILLE**  
**(AGENT: GENTRY LOCKE RAKES & MOORE LLP)**  
**FOR THE PURPOSE OF AMENDING CONDITIONS**  
**OF A SPECIAL USE PERMIT (R-FY-09-141)**  
**ALLOWING A 152 FOOT TELECOMMUNICATIONS TOWER**  
**IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)**  
**PARCEL ID # 016650, TAX MAP NUMBER 38-A-153**

On a motion by M. Todd King, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Walter T. & Sherry K. Saville (Agent: Gentry Locke Rakes & Moore LLP)** request for approval of amended conditions for Special Use Permit (R-FY-09-141) on approximately 7.74 acres in an Agricultural (A1) zoning district allowing a 152 ft. telecommunication tower is consistent with the County's Comprehensive Plan and is hereby **approved** with the following conditions:

1. This Special Use Permit (SUP) authorizes construction of a telecommunications tower in an Agricultural (A-1) zoning district on a portion of Parcel ID 016650. Tower shall not exceed a total overall height of 152 feet inclusive of the proposed lightning rod with a ground elevation of 1,930 ft. Tower shall have no lighting unless required by the FAA. Tower shall have a base diameter not to exceed forty (40) inches and a top diameter of twenty-two (22) inches.
2. Site development shall be in substantial conformance with the plans entitled, "NTelos Site # RN515, Site Name: Brookfield" prepared by Balzer and Associates, Inc., dated November 12, 2008 and received by Montgomery County on January 29, 2009, as modified by plans entitled "nTelos Brookfield RN515", prepared by Mead & Hunt, last revised on August 21, 2015.
3. NTelos shall access the site using an existing driveway off of Route 725 (Poverty Creek Road) that runs from Rt. 725 up to the existing home on the Saville Property.
4. NTelos shall construct a twenty (20') foot wide access/utility easement from the existing home to the telecommunications tower site.
5. Tower shall be of a "monopole stealth design" and all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure or a low profile antenna mount (distance between the face of the pole and the outer face of antennas not to exceed 72 inches). Tower shall be painted brown (Umbra). All wiring and cables shall be located inside the pole structure.
6. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
7. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
8. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
9. Owner/agent shall provide police, fire and rescue services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate. The second highest space on the pole shall be made available

to the County. In the event that Montgomery County has not used this space and another cellular carrier wishes to co-locate on the same tower, the tower owner shall give the Montgomery County Administrator fourteen (14) days notice by Certified Mail of their intent to occupy this location.

The property is located at **2416 Poverty Creek Road** and is identified as Tax Parcel No(s) 38-A-153 (Acct No. 016650), in the Prices Fork Magisterial District (District E).

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Matthew R. Gabriele	None	Annette S. Perkins
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
William H. Brown		

**R-FY-16-42**  
**SPECIAL USE PERMIT**  
**VIRGINIA TECH FOUNDATION**  
**(AGENT: GENTRY LOCKE RAKES & MOORE LLP)**  
**FOR THE PURPOSE OF AMENDING CONDITIONS**  
**OF SPECIAL USE PERMIT (R-FY-09-140)**  
**ALLOWING A 125 FOOT TELECOMMUNICATIONS TOWER**  
**IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)**  
**PARCEL ID # 021713, TAX MAP NUMBER 65-A-5**

On a motion by M. Todd King, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Virginia Tech Foundation, Inc. (Agent: Gentry Locke Rakes & Moore)** request for approval of amended conditions for Special Use Permit (R-FY-09-140) on approximately 54.54 acres in an Agricultural (A-1) zoning district allowing a 125 ft. telecommunication tower is consistent with the County's Comprehensive Plan and is hereby **approved** with the following conditions:

1. This Special Use Permit (SUP) authorizes construction of a telecommunication tower in an Agricultural (A-1) zoning district on a portion of Parcel ID 021713 not to exceed an overall height of 125 feet inclusive of the proposed lightning rod with a ground elevation of 2,364 ft. Tower shall have no lighting unless required by the FAA. Tower shall have a base diameter not to exceed 30 inches and a top diameter of 22 inches.
2. Site development shall be in substantial conformance with the plans entitled, "NTelos Proposed 120' Monopole Tower", prepared by Terradon, dated January 6, 2009 and received by Montgomery County on January 29, 2009, as modified by

plans entitled “nTelos Stroubles Creek RN514”, prepared by Mead & Hunt, last revised August 21, 2015.

3. The existing access road off Rt. 619 (Stroubles Creek Road) shall be used to access the proposed facility.
4. Tower shall be of a “monopole stealth design” and all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure or a low profile antenna mount (distance between the face of the pole and the outer face of antennas not to exceed 72 inches). Tower shall be painted brown (Umbra) matte finish. All wiring and cables shall be located inside the pole structure.
5. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall be fueled only by propane.
8. Owner/agent shall provide police, fire and rescue services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate. The second highest space on the pole shall be made available to the County. In the event that Montgomery County has not used this space and another cellular carrier wishes to co-locate on the same tower, the tower owner shall give the Montgomery County Administrator fourteen (14) days notice by Certified Mail of their intent to occupy this location.

The property is located at **2797 Stroubles Creek Road** and is identified as Tax Parcel No(s) 65-A-5 (Acct. No. 021713), in the Prices Fork Magisterial District (District E).

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Annette S. Perkins
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
William H. Brown		

**NEW BUSINESS**

**R-FY-16-43**

**RESOLUTION AUTHORIZING THE COUNTY OF MONTGOMERY, VIRGINIA  
TO FILE A MOTION WITH FERC SEEKING INTERVENER STATUS IN  
THE MOUNTAIN VALLEY PIPELINE, LLC APPLICATION  
FOR PUBLIC CONVENIENCE AND NECESSITY DOCKET NO. CP16-10-000**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Mountain Valley Pipeline, LLC (“Mountain Valley Pipeline”) desires to construct, own and operate a three hundred (300) mile long 42 inch diameter natural gas transmission pipeline between Wetzel, West Virginia and Pittsylvania County, Virginia; and

WHEREAS, Mountain Valley Pipeline previously initiated the Federal regulatory approval process to construct, own and operate the pipeline by requesting use of the Federal Energy Regulatory Commission (“FERC”) pre-filing review process with the pre-filing of Docket No. PF-15-3-000; and

WHEREAS, On October 23, 2015, Mountain Valley Pipeline filed an application with FERC seeking a certificate of public convenience and necessity authorizing Mountain Valley Pipeline to construct, own and operate a three hundred (300) mile long 42 inch diameter natural gas pipeline in West Virginia and Virginia with an assigned docket number of CP16-10-000 (“FERC Application”); and

WHEREAS, In its application to FERC, Mountain Valley Pipeline’s proposed route traverses through Montgomery County starting at the Giles County/Craig County border with the portion of the George Washington and Jefferson National Forest in Montgomery County heading southeast, paralleling most of the way along the existing 138kV AEP Glenn Lynn Hancock power line until it reaches the community of Lafayette where it heads south eventually into Roanoke County; and

WHEREAS, On November 5, 2015, FERC issued a Notice of Application notifying the Public of Mountain Valley Pipeline’s proposed natural gas transmission pipeline project, its pending FERC application and advising the public that it may obtain legal status by becoming a party to the proceedings by filing with FERC a Motion to Intervene; and

WHEREAS, The benefits from achieving intervener status is that the County would receive all of Mountain Valley Pipeline’s filings and other FERC documents related to the case and all materials filed by other interested parties who are likewise interveners enabling the County to remain informed and continue to be an advocate for its citizens with FERC; and

WHEREAS, By having access to the FERC filings the County will be able to continue to monitor in particular the aspects of the Mountain Valley Pipeline project which specifically impact the County of Montgomery and its citizens and continue to be a conduit of information for its citizens by staying involved in the FERC proceedings; and

WHEREAS, The Board of Supervisors wishes to continue to participate in the FERC process and be a resource for its citizens by seeking intervener status before FERC.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes and directs the County Attorney to file a motion with FERC to intervene in the Mountain Valley Pipeline Application for Public Convenience and Necessity, Docket No. CP-16-10-000.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
M. Todd King	None	Annette S. Perkins
Mary W. Biggs		
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
William H. Brown		

**R-FY-16-44**  
**HUCKLEBERRY TRAIL**  
**REQUEST TO THE COMMONWEALTH TRANSPORTATION**  
**BOARD FOR ENHANCEMENT PROJECT FUNDS FOR**  
**THE HUCKLEBERRY TRIAL/CHRISTIANSBURG**  
**EXTENSION PROJECT – PHASE 3**

On a motion by M. Todd King, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, In accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation considers an enhancement project in Montgomery County; and

WHEREAS, Christiansburg, Blacksburg, and Montgomery County have worked cooperatively to connect the two towns with a pedestrian/bike trail known as the Huckleberry Trail; and

WHEREAS, To better serve our citizens, an extension of the Huckleberry Trail to Downtown Christiansburg is planned.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia encourages the Commonwealth Transportation Board to establish a project for the Huckleberry Trail/Christiansburg Extension, Phase 3.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Annette S. Perkins
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
William H. Brown		

**Defer to December 14, 2015 – Treasurer Request for funds for Banking Fees**

On a motion by Christopher A. Tuck, seconded by Matthew R. Gabriele and carried unanimously, the Board deferred the resolution to transfer \$18,000 from Special Contingencies to the Treasurer to cover the costs associated with Union First banking fees to December 14, 2015.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Christopher A. Tuck	None	Annette S. Perkins
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
William H. Brown		

**R-FY-16-45**

**RESOLUTION ASKING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO REDUCE THE SPEED LIMIT ON THE PEPPERS FERRY ROAD (ROUTE 114) CORRIDOR FROM 0.20 MILES WEST OF ROUTE 685 (PRICES FORK ROAD) TO 0.10 MILES EAST OF ONYX DRIVE FROM 55 MILES PER HOUR TO 45 MILES PER HOUR**

On a motion by M. Todd King, seconded by Christopher A. Tuck and carried unanimously,

WHEREAS, Montgomery County's Belview Village Plan recommends traffic calming and a reduced speed limit within the Village area; and

WHEREAS, Belview is the only Village in Montgomery County without a reduced speed limit; and

WHEREAS, Reported crash and injury history of Route 114 is higher than statewide averages; and

WHEREAS, A speed study was performed by Whitman, Requardt, and Associates, LLP as part of the work for the Belview Safe Routes to School (SRTS); and

WHEREAS, The SRTS project will introduce a crosswalk to connect the Forest Hills community to Belview Elementary School; and

WHEREAS, The speed study recommends reducing the speed limit from 55 miles per hour to 45 miles per hour from 0.20 miles west of Route 685 (Prices Fork Road) to 0.10 miles east of Onyx Drive in order to increase overall safety of the area; and

WHEREAS, Both Montgomery County Sheriff Tommy Whitt and Virginia State Police First Sergeant Jerry Smith endorse a reduction in the speed limit for this area.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County hereby asks the Virginia Department of Transportation to reduce the speed limit for this portion of the Route 114 Corridor from fifty-five (55) miles per hour to forty-five (45) miles per hour.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Matthew R. Gabriele	None	Annette S. Perkins
Gary D. Creed		
M. Todd King		
Mary W. Biggs		
Christopher A. Tuck		
William H. Brown		

**R-FY-16-46**  
**RESOLUTION OF APPRECIATION**  
**WILLIAM H. BROWN**

On a motion by Mary W. Biggs, seconded by Christopher A. Tuck and carried unanimously,

**WHEREAS, William H. (Bill) Brown** has served the citizens of Montgomery County as the representative of District E with dedication and integrity for eight years, beginning his first term on the Board of Supervisors on January 1, 2008; and

**WHEREAS, Bill Brown** served as Vice Chair of the Board of Supervisors in 2011, 2012 and 2013, and as Chair of the Board of Supervisors in 2014 and 2015; and

**WHEREAS, Bill Brown** actively participated in establishing a responsive and efficient means of handling 911 emergency communications within the County by establishing a regional 911 Authority with the Town of Blacksburg, the Town of Christiansburg and Virginia Tech; and

**WHEREAS, Bill Brown** also served on the Fire and Rescue Commission, Juvenile Detention Commission, Resource Conservation and Development District, the New River/Mount Rogers Workforce Investment Act Consortium Board, the Western Virginia Regional Jail Authority, Public Service Authority, Road Viewers Board, alternate on the Montgomery Regional Economic Development Commission, the Riner Fire and Rescue Facilities Needs Advisory Task Force; and

**WHEREAS, Bill Brown** served as liaison to the Parks and Recreation Commission, liaison to the Chamber of Commerce, and the County/School Liaison; and

**WHEREAS, Bill Brown's** tenure on the Board of Supervisors included the undertaking of numerous capital projects, including: a new Courthouse, Public Safety Building, Price's Fork Elementary School, Eastern Montgomery Elementary School, Auburn Middle School, Auburn High School, and Blacksburg High School; and

**WHEREAS, Bill Brown** supported the completion of the Huckleberry Trail, a walkway/bikeway following an abandoned railroad track connecting the County and the Towns of Blacksburg and Christiansburg; and

**WHEREAS,** As Chair of the Board of Supervisors, **Bill Brown** has provided strong and enlightened leadership on critical issues facing the County and its citizens, and has advocated responsible and efficient provision of local public service; and

**WHEREAS,** His vision, leadership and commitment to the careful consideration of complex and sensitive public issues has earned him a reputation for honesty, dignity, and fair play; and

**WHEREAS,** His years of service have been marked by dedication to the best interests of Montgomery County, and his consistently thoughtful and thorough consideration of issues, along with his integrity and reliability, rightfully earned the respect and trust of his fellow public servants.

**NOW, THEREFORE, BE IT RESOLVED,** By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors, on behalf of the citizens of Montgomery County, extend their utmost appreciation to **William H. Brown** for his having so truly defined for others the meaning of public service, with best wishes for continued success in all his future endeavors.

**BE IT FURTHER RESOLVED,** That the original of this resolution be presented to **William H. Brown** as a testimonial of the high esteem and appreciation in which he is regarded by the Board of Supervisors and that a copy be a part of the official minutes of Montgomery County.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Annette S. Perkins
M. Todd King		
Mary W. Biggs		
Matthew R. Gabriele		
Christopher A. Tuck		
William H. Brown		

**R-FY-16-47**  
**RESOLUTION OF APPRECIATION**  
**MATTHEW R. GABRIELE**

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

**WHEREAS, Matthew R. Gabriele** has served the citizens of Montgomery County as the representative of District G with dedication and integrity for four years, beginning his term on the Board of Supervisors on January 1, 2012; and

**WHEREAS,** From 2012 through 2015, **Matthew R. Gabriele** has served on the Public Service Authority, the Road Viewers Board, and has represented Montgomery County on various boards and commissions including the Montgomery Tourism Development Council, Montgomery Regional Economic Development Commission, Liaison to the School Board, and alternate for the New River Valley Metropolitan Planning Organization (MPO); and

**WHEREAS, Matthew R. Gabriele's** tenure on the Board of Supervisors included the undertaking of numerous capital projects, including: a Public Safety Building, a new Blacksburg High School, Auburn High School, and Auburn Middle School; and

**WHEREAS, Matthew R. Gabriele** supported programs within the County, serving on the Montgomery-Floyd Regional Library Board prior to serving on the Board of Supervisors; and

**WHEREAS, Matthew R. Gabriele** supported the completion of the Huckleberry Trail, a walkway/bikeway following an abandoned railroad track connecting the County and the Towns of Blacksburg and Christiansburg; and

**WHEREAS, Matthew R. Gabriele's** years of service have been marked by exemplary dedication to the best interests of the citizens of Montgomery County, and has earned the respect of his fellow public servants.

**NOW, THEREFORE, BE IT RESOLVED,** By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors, on behalf of the entire citizenship, hereby extends a unanimous vote of appreciation and gratitude to **Matthew R. Gabriele** for his accomplishments and outstanding public service and dedication to the citizens of Montgomery County.

**BE IT FURTHER RESOLVED**, That the original of this resolution be presented to **Matthew R. Gabriele** as a testimonial of the high esteem and appreciation in which he is regarded by the Board of Supervisors and that a copy be a part of the official minutes of Montgomery County.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
M. Todd King	None	Annette S. Perkins
Mary W. Biggs		
Matthew R. Gabriele		
Christopher A. Tuck		
Gary D. Creed		
William H. Brown		

**R-FY-16-48**  
**RESOLUTION OF APPRECIATION**  
**SHERIFF JAMES T. WHITT**

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele and carried unanimously,

**WHEREAS, James T. Whitt** has served in local law enforcement for 39 years; and

**WHEREAS, James T. Whitt** has served as Montgomery County Sheriff since 2004; and

**WHEREAS**, Under the leadership of **James T. Whitt** the Montgomery County Sheriff's Office completed three re-accreditation assessments; and

**WHEREAS, James T. Whitt** has held 10 Citizen Police Academies; and

**WHEREAS, James T. Whitt** has received awards from the Virginia Association of Chiefs of Police, and National Chiefs Challenge Awards for child safety seats, occupant protection education and enforcement, DUI enforcement, and speed limit enforcement; and

**WHEREAS, James T. Whitt** has received Operation Heat Wave awards for programs to help eliminate auto theft, and awards for Smart, Safe & Sober to promote highway safety; and

**WHEREAS, James T. Whitt** has served on the Transportation Safety Commission, the Local Emergency Planning Committee, Board of Directors of the Virginia State Sheriff's Association, and served as Chairman of the New River Valley Police Academy; and

**WHEREAS, James T. Whitt** evidenced his commitment to the citizens of Montgomery County by working with Franklin County, Roanoke County, and the City of Salem to establish the Western Virginia Regional Jail; and

**WHEREAS, James T. Whitt** was instrumental in the creation of the New River Valley Emergency Communications Regional Authority, as well as the construction of a Public Safety Building; and

**WHEREAS, James T. Whitt's** unquestioned integrity and strong character through his profession and his public service has had a lasting impact on the lives of the citizens of Montgomery County.

**NOW, THEREFORE, BE IT RESOLVED,** The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **James T. Whitt** for his outstanding public service.

**BE IT FURTHER RESOLVED,** The original of this resolution be presented to **James T. Whitt** and that a copy be a part of the official minutes of Montgomery County.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Annette S. Perkins
Christopher A. Tuck		
Matthew R. Gabriele		
Gary D. Creed		
M. Todd King		
William H. Brown		

### **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator reported he was invited to participate on a panel to speak to the Roanoke Valley Leadership Group on Wednesday, November 18, 2015.

### **BOARD MEMBERS REPORTS**

**Supervisor Biggs** attended the annual VACo Conference November 8-10, 2015. She attended VACo's Education Steering Committee meeting where discussion included the Virginia's Superintendent blueprint for public education, and lack of state funding.

**Supervisor King** asked if staff could evaluate the salary scale for the Officers of Elections and consider increasing the pay. Officer of Elections work 16-17 hours on election-day and he appreciates all that they do.

**Supervisor Brown** reported the Veteran Park Dedication was held on November 11, Veterans Day at the Town Square. The dedication sign that was unveiled recognized those who served our country.

VACo Annual Conference - VACO recognized Supervisor Biggs for serving the County for 20 years and received her 20 year pin. Supervisor Biggs was also elected President Elect for 2016 and will serve as VACo's President in 2017.

**ADJOURNMENT**

The Chair declared the meeting adjourned to November 17, 2015 at 5:30 p.m. The meeting adjourned at 9:45 p.m.

APPROVED \_\_\_\_\_ ATTEST: \_\_\_\_\_  
William H. Brown F. Craig Meadows  
Chair County Administrator