

Pearisburg Town Council met in Regular Session on June 9, 2015 at 7:30 p.m. in the Pearisburg Municipal Building Council Chambers. Present for the meeting was Mayor Robert L. Dickerson; Vice-Mayor Munsey; Council Member Williams, Journell, Harrell, Clark and Eaton; Town Attorney Hartley; Town Manager Vittum; Town Engineer Tawney; Police Chief Martin; and Town Clerk Harless. Also present was Caleb and Tim Elliott, citizens and TJ Atkins, Virginian Leader.

Eaton made a motion that the Regular May 12, 2015 and Special May 30, 2015 Minutes be approved. Journell seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Mayor Dickerson opened the Public Hearing on the Fiscal Year Budget for 2015 - 2016. Vittum stated that the reassessment of property in town decreased with the tax rate to equalize going from \$0.31 to \$0.335 cents. There are no other revenue changes. There will be a \$500 increase for employees. The Budget Committee asked that the Finance and Clerks departments be separate accounts to show the expenses for each department instead of sharing accounts. The Janitors positions will be shown in one account and not broke out into different departments. Vittum stated that the work would not be completed on the paving until after the new budget year. The Finance Committee recommends moving revenue from VDOT and expenditure for Paving Contract from the current budget to the new budget. There were no comments from citizens. Munsey stated that in the Budget Message the rate for the PSA needed to be \$1.96 instead of \$1.97 under revenues. Hearing no other comments Mayor Dickerson closed the Public Hearing on the Budget.

Vittum stated that any changes to the budget will need to be made prior to adoption at a special meeting. Staff asks for the 23rd to allow time for the final format and to give the Finance Office time for the change over to the new budget. Council set the special meeting to adopt the budget on June 23rd at 7:30 p.m.

Harrell reported on the Public Safety Committee. The Committee discussed a \$12,000 grant to update Tasers in the Police Department. They discussed parking fines and asked the Town Manager and Police Chief to draft an ordinance to consider at the July meeting. Parking issues at the Festival were discussed.

Munsey reported on the Property and Recreation Committee. The Committee discussed Mr. Wilson's report and the status of the handicap ramp and the cost to change the locks at the Community Center. The Committee also discussed the placement of a stone and plaque (River Art) near the walking trail.

The Committee made a recommendation that Council approve the Stone and Plaque for River Art be placed near the walking trail to the right of the senior citizens building. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The recommendation carried by a vote of 7 to 0.

Clark asked where the sculptures were going to be permanently placed. Vittum stated that the recommendation was to place one near the stone at the beginning of the park walking trail and the others in different areas along the trail. He stated that these would be permanent. Journell stated that she had received a few phone calls from the Pearisburg Red Devils Alumni about the concerns they have about the parking and their class reunion. She asked what the plans were for the Farmers Market during the reunion. Vittum stated that he and Town Clerk Harless would be meeting with Red Devils to look at concerns.

Eaton asked about keying of doors at the Community Center. Vittum stated that we have a proposal to do a three tier system for the exterior doors at the Community Center. We are waiting to get the installation cost. The estimated cost for the locks is \$1595.92. Vittum stated that there would be one master key to fit all exterior doors. They can also be keyed if someone needs access to one particular door. They also indicated that the same key system could be used for this municipal building and the library as well. If you want to proceed with the Community Center we can get him to price out the Community Center and Library. Tawney stated that this was the only company where we could keep our current hardware. Vittum stated that we have so many different dated locks. The keys will cost around \$5 each. We will only have a limited number of keys to give out.

Munsey made a motion to accept the bid for re-keying the locks in the amount of \$1595.92 and the labor not to exceed \$2000. Clark seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0. Munsey asked if the work would be

completed in the next month or next year. Vittum stated that it would be as soon as we can schedule them.

Eaton reported on the Finance Committee. Staff efforts have resulted in over \$6,200 in revenue since collection efforts started. A request for a Shelton Place incentive for a new business is to be discussed by full Council.

The Committee made a recommendation that Council approve write-off of uncollectable personal Property Taxes for 2007 and Utility Bills for 2010 as these are now beyond the statute of limitations for collection as shown below:

**Town of Pearisburg
Delinquent 2007 Personal Property**

<u>NAME</u>	<u>AMOUNT</u>
Bailey, Scott S	\$ 32.01
Baker, Rocky W	\$ 8.41
Baker, Shelena Fay	\$ 170.72
Baxter, Cindy Emerson	\$ 135.66
Bonham, Bobbie Gail & James Robert	\$ 102.13
Breedwell, Jeremy Ryan	\$ 25.92
Breedwell, Jeremy Ryan & Kristen Michelle Higgs	\$ 91.46
Ceritano, Ermanno Francis	\$ 99.08
Cooper, Marc Kevin & Deborah J Kinney	\$ 44.20
Crews, Thomas E Jr / D J Service	\$ 14.77
Crews, Thomas E Jr / Cleaning and Lawn Care	\$ 16.55
Croy, James Robert	\$ 24.39
Cumbee, Ronald Lee	\$ 44.20
Dalton, David R	\$ 33.54
Dalton, David R & Deborah	\$ 79.27
Darlene's Kitchen / Darlene Sadler	\$ 18.97
Davis Auto / John G & Roger C Davis	\$ 3.75
Dickerson, Yvonne M	\$ 4.64
Eads, Christopher Steven & Angela Denise	\$ 347.06
Figone, Arnie Jay	\$ 25.92
Fisher, Marie A	\$ 96.02
Fletcher, Tammy M	\$ 33.54
Fletcher, Tammy Marie & Christopher Allen	\$ 28.96
Giles Podiatry & Foot Surgery	\$ 233.79
Godwin, Bryan Allen	\$ 193.59
Greenlief, David L	\$ 94.51
Hall, Charles W	\$ 24.39
Higgs, Kathy Lynn	\$ 59.44
Higgs, Stanley R & Kathy L	\$ 131.09
Holman, Kristiana Marie	\$ 339.90
Hudson, Jason C	\$ 111.26
Judge Businesses LLC / Pearisburg Gas & Food Mart	\$ 388.91
Lambert, Cindy Lynn	\$ 60.98
Leslie, Ashley Gray	\$ 28.96
Lewis, Tasha Dawn	\$ 76.21
Lovell, Mandy Palmer	\$ 35.05
Morgan, Eric Franklin	\$ 70.12
Mullins, James Roy	\$ 123.82

Martin, Eva Darlene	\$ 36.58
Perdue, Lisa Lyn	\$ 77.74
Perdue, Lois F	\$ 120.41
Phillips, Edith P	\$ 41.16
Pyles, Jennifer Rose	\$ 83.83
Ratliff, Myra Kay	\$ 24.39
Robbins, Claude C	\$ 1.88
Robertson, David L	\$ 53.26
Santolla, Robert Lynn SR	\$ 565.61
Scott, William Joseph	\$ 228.64
Shortt, Kevin Dewayne	\$ 85.36
Sparks, Oran L	\$ 53.07
Stone, Paula Jeane	\$ 138.71
Subway / Kenneth A Tignor	\$ 169.24
T D Tile and Marble / Tommy Eugene Douthat SR	\$ 2.23
Tabor, Chad Haven	\$ 18.30
The Cellar / Diane Higgs	\$ 11.73
Tickle, Wendell W & Christine K	\$ 48.78
Tickle, Wendell Wayne	\$ 36.58
Warden, Ronald James	\$ 99.08
Weiss Emmett K & Joshua Keith Blankenship	\$ 196.63
Williams, David Herman	\$ 28.96
Wilson, Deanna S	\$ 28.96
Wylie, Flora	\$ 45.73

Total \$ 5,650.05

**Town of Pearisburg
Delinquent 1993 Real Estate Tax**

None

***Last Real Estate Tax Write Off Date - 1983 was done in 2005

Water/Sewer Outstanding Balance
Jan. 1, 2010 to Dec. 31, 2010

Acct #	Name	Amount	Acct #	Name	Amount
56.01	Leigh O'Neal	\$ 224.78	3040.03	Jared Stout	\$ 124.01
173.01	Sharon Fitzgerald	\$ 67.00	3040.04	Jeffrey Duncan, Jr.	\$ 2.76
185.00	James Groves	\$ 112.23	3092.04	Frankie Blankenbeckler	\$ 49.23
209.01	Cathy & Troy Reece	\$ 178.90	3153.02	Stephen Bolden	\$ 134.66
241.00	Ellen Palmer (leak)	\$ 595.26	3167.02	Darlene Conley	\$ 111.26
284.01	Tyler Shelton	\$ 114.40	3179.01	Gary Lowery	\$ 106.36
420.03	Tina Johnson	\$ 3.39	3220.01	Allen Ross	\$ 28.70
443.02	Amy Pennington	\$ 130.52	3287.00	Roger & Leslie Simpkins	\$ 85.75
449.03	Toni Ibrahim	\$ 129.50	3328.04	Andrea Hughes	\$ 15.43
683.05	Ashley Sparks	\$ 45.19	3330.00	Phyllis B. Alls	\$ 38.75
721.01	Maryanne Bowles	\$ 81.12	3367.02	Sherry Kinser	\$ 180.92
757.01	Angela Dalton	\$ 42.19	3369.02	Amy Vest	\$ 60.41
762.00	C. G. Steele	\$ 30.99	3376.03	Shawn Rogers	\$ 44.78
774.01	Jennifer Morris	\$ 90.37	3380.03	Karen L. Ranz	\$ 122.57
863.00	France Bradley	\$ 71.67	3390.02	Jane Stafford	\$ 38.33
868.101	Matthew K. Davis	\$ 31.54	3391.01	Josh Benson	\$ 315.53
884.01	Cecilia Peyton	\$ 34.13	3392.04	Teasha Hoston	\$ 82.04
1206.00	Glen Allen	\$ 38.75	3428.02	Ricky Thorne	\$ 87.50
1244.00	Said & Brenda Shama	\$ 126.06	3433.01	Tonya Williams	\$ 23.20
1332.00	Movie Starz Video	\$ 42.63	3445.04	Carlos Limon	\$ 41.51
1403.02	Ben Doyle	\$ 126.06	3456.05	Teresa Neice	\$ 46.56
1476.00	Erica Butler	\$ 34.86	3456.06	Cheryllynn Dyess	\$ 20.76
1540.00	Ingram Furniture Co.	\$ 42.63	3468.01	Charles & Michael Conley	\$ 62.18
2378.03	Linda Miller	\$ 248.07	3473.03	Darrell Smoot	\$ 148.80
2406.03	Beverly Downard	\$ 7.26	3497.04	Maurice Milton	\$ 38.75
2779.03	Nichole & Joshua Woods	\$ 106.65	3529.08	Lauren Hedge	\$ 159.02
2814.03	Tammy Tawney	\$ 6.38	3539.04	Terry Freeman, Jr.	\$ 62.98
2855.03	Laura McGraw	\$ 38.75	3592.01	RT Communications, Inc	\$ 87.89
2940.02	Crystal Henderson	\$ 103.57	3616.00	Jason & Samantha Stigger	\$ 86.59
3007.04	Gene Goodman	\$ 101.39	3619.00	B's Café	\$ 66.25
3235.03	Jay Butterworth	\$ 90.63	3622.00	Steven Jones	\$ 87.89
3285.01	Jimmy Crockett	\$ 53.02	3253.01	Vicki Foreman	\$ 3.88

Total \$ 5,715.14

Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The recommendation carried by a vote of 7 to 0.

The Committee made a recommendation that Council approve the \$2,000 Grant from Carilion Clinic for the double SNAP Program at the Farmers Market and authorize the Town Manager to sign appropriate documents for this award from July 1, 2015 to June 30, 2016. Vittum explained that this grant would double the SNAP points for the individuals that are eligible for SNAP. Journell asked what types of food items could be purchased. Vittum stated that they could purchase fruits, vegetables, meats and plants that bear fruit and vegetables. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The recommendation carried by a vote of 7 to 0.

The Committee made a recommendation that Council approve the following Budget Amendment 2015-04:

BUDGET AMENDMENT FY 2014-2015-04

REVENUE		Current Budget	New Amount	Difference
100340.9800	Revenue Sharing	\$120,000.00	\$ 60,000.00	\$ (60,000.00)
				TOTAL \$ (60,000.00)
EXPENDITURES		Current Budget	New Amount	Difference
101800.2000	Parts and Repairs	\$6,000.00	\$ 13,750.00	\$ 7,750.00
102900.8900	General	\$18,000.00	\$ 22,000.00	\$ 4,000.00
102900.8920	Shelton Place	\$7,500.00	\$ 15,000.00	\$ 7,500.00
105000.1801	VDOT Revenue Sharing	\$120,000.00	\$ 60,000.00	\$ (60,000.00)
105000.1802	Paving Contract	\$120,000.00	\$ 60,000.00	\$ (60,000.00)
				TOTAL \$ (100,750.00)
		Revenue	Expenditures	Difference
Current		\$ 4,895,518.00	\$ 4,952,328.00	\$ (56,810.00)
Amended		\$ (60,000.00)	\$ (100,750.00)	\$ 40,750.00
Total		\$ 4,835,518.00	\$ 4,851,578.00	\$ (16,060.00)

For Council Action on June 9, 2015

Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The recommendation carried by a vote of 7 to 0.

Vittum briefed Council on Community Center Renovations. He stated that hopefully in next 30 days we would have a contract on the re-keying. Staff will be working towards getting some prices on improvements for bathrooms and handicap ramp. Tawney stated that staff will be finishing up the handicap ramp in the next three weeks. Wilson will contract out the concrete finishing for the ramp.

Williams reported on the Public Works Committee. He reported that the water loss for April was 44.52%. The Committee discussed the paving that should start the week of the 22nd by Virginia Asphalt Paving LLC. Harrell asked what streets would be paved. Tawney stated that a portion of Thomas Drive, School Road, Cirus Street and Eagle Drive. These streets were voted on two years ago. Journell suggested if there was any leftover asphalt doing a few areas in need on Bunker Hill.

Vittum briefly reported on items that Dianne Dinger is working on for the Town. He asked Council if they had any questions about the report in their packet. Council had no questions.

Vittum briefed Council on a Plat for 6.5 acres that an applicant is desiring that a parcel be split off for a half acre lot. The applicant desires to place a single family home on this lot. There would still be access on Henson Avenue and Buchanan Street for the larger property is owned by Giles County IDA. Staff recommends approval of the plat. The plat still needs the Wheeler's signature before Town can sign. Council had no comments.

Eaton made a motion that the Hicks Plat off of Buchanan Street be approved to be split off to a half acre lot. Munsey seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Vittum updated Council on Commerce Park. He stated that at our July or August Council Meeting the Director would like to come and do a status report on the organization. He stated that the Commerce Park had received an Appalachian Power Certification and the board is looking at all the aspects that are needed to market the park.

Council had no comments about the minutes from their recent planning session.

Vittum asked Council if they wanted him to discuss the PSA Contract. He stated that he had a presentation he would like to go over with them.

Eaton asked if there was a member of Council on Library Board. Mayor Dickerson stated that he was on the Board. Clark showed an interest in filling the recent vacancy on the Board. Council agreed to add Clark to the appointment list for the Library Board.

Eaton made a motion to approve the appointments for FY 2015-2016. Harrell seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

COUNCIL APPOINTMENTS FOR 2015-16

Planning Commission (4 year term)

Steve Vinson July 1, 2015 - June 30, 2019
Re-Appointment

Board of Zoning Appeal (5 year term)

John Spaur July 1, 2015 – June 30, 2020
Re-Appointment

Library Board (3 year term)

Cathy Clark July 1, 2015 – June 30, 2018
Re-Appointment

Tom Miller July 1, 2015 - June 30, 2018
Re-Appointment

Janette Blevins July 1, 2015 - June 30, 2018
Re-Appointment

Danny Robertson July 1, 2015 – June 30, 2018
Re-Appointment

Board of Building Code of Appeals (5 year term)

Jeff Morris July 1, 2015 – June 30, 2020
Re-Appointment

Ad Hoc Committee for Festival (3 year term)

Lynn Hayes July 1, 2015 – June 30, 2018
Re-Appointment

Cora Nagy July 1, 2015 – June 30, 2018
Re-Appointment

Kenneth Vittum July 1, 2015 – June 30, 2018
Re-Appointment

Public Service Authority Board (2 year term)

Colin Munsey July 1, 2015 – June 30, 2017
Representative

Kenneth F. Vittum July 1, 2015 – June 30, 2017
Alternate Representative

Vittum explained to Council that Chapter 30 used to be for Zoning. When the Zoning Ordinance was updated the chapter was changed to Chapter 24. We have two ordinances passed that were not numbered as Chapter 24 so it would be included into the Zoning Ordinance. We have revised these and staff recommends Ordinance 15-02 and 15-03 be adopted. Vittum stated that we do not have any pending telecommunications and towers. We discovered this discrepancy when the railroad made an inquiry and we were researching and found the error in numbering the chapters in the ordinances.

Journell made a motion to approve Ordinance 15-02 Amend Ordinance to add Telecommunications Towers and Devices as Conditional Uses and 15-03 Amend Ordinance to add Standards for Telecommunications Antennas and Towers. Harrell seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

ADOPTED: June 9, 2015

ORDINANCE NO: 15-02

AN ORDINANCE TO AMEND CHAPTER 30, ZONING
CODE OF THE TOWN OF PEARISBURG, VIRGINIA, 1996, AS AMENDED,
FOR THE PURPOSE OF ADDING TELECOMMUNICATIONS TOWERS AND DEVICES
TO THE LIST OF CONDITIONAL USES


BE IT ORDAINED, by the Town Council of the Town of Pearisburg,
Virginia, 7 of the elected members concurring, that:

Section 1. The following sections of the Code of the Town of
Pearisburg, Virginia, 1996, are amended, 24-609-03, 24-610-03, 24-611-
03, and 24-612-03 by adding to the list of Conditional Uses the
following:

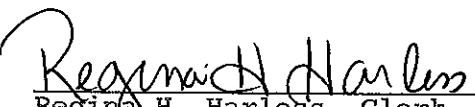
Telecommunication Towers and Devises.

Section 2. This ordinance shall be in effect immediately upon its
passage.

This 15th day of June 2015.

APPROVED: 
Robert L. Dickerson, Mayor

ATTEST:


Regina H. Harless, Clerk

ADOPTED: June 9, 2015

ORDINANCE NO: 15-03

AN ORDINANCE TO AMEND CHAPTER 24 ZONING, CODE OF THE TOWN OF PEARISBURG, VIRGINIA, 1996, AS AMENDED BY ADDING A NEW SECTION 24.713.00 -- STANDARDS FOR TELECOMMUNICATION ANTENNAS AND TOWERS

BE IT ORDAINED, by the Town Council of the Town of Pearisburg, Virginia, 7 of the elected members concurring, that:

SECTION 1. SECTION 24.713.00 - STANDARDS FOR TELECOMMUNICATION ANTENNAS & TOWERS

24.713.01 DEFINITIONS

- Alternative tower structure:** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- Antenna:** Any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- FAA:** The Federal Aviation Administration.
- FCC:** The Federal Communications Commission.
- Height:** When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.
- Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

24.713.02 USE REGULATIONS

The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to:

- Encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the Town,
- Encourage strongly the joint use of new and existing tower sites,
- Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal,
- Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
- To provide adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the Town.

This ordinance is intended to comply with all federal and state regulations.

24.713.03 APPLICABILITY

24.713.03-1 District Height Limitations.

The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at greater than, fifty (50) feet in height.

24.713.03-2 Amateur Radio and Receive-Only Antennas.

This ordinance shall not apply to and no permit shall be required for any tower or the installation of any antenna, that is (1) under 50 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is (2) used exclusively for receive only antennas for amateur radio station operation.

24.713.03-3 Existing Structures and Towers.

The placement of an antenna on or in an existing structure such as a building, sign, light pole, water tank, or other freestanding structure or existing tower or pole shall be permitted so long as the addition of said antenna shall not add more than twenty (20) feet in height to said structure or tower and shall not require additional lighting pursuant to FAA or other applicable requirements. Co-location of antennas on existing tower structures which add height to the existing tower shall require a special exception permit if the total

height of the tower after addition of the antenna exceeds one hundred feet. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use.

24.713.04 GENERAL GUIDELINES AND REQUIREMENTS

24.713.04-1 Principal or Accessory Use

For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

24.713.04-2 Inventory of Existing Sites.

Each applicant for an antenna and or tower shall provide to the Zoning Administrator an inventory of its existing facilities that are either within the Town or within five miles of the border thereof, including specific information about the location, height, and existing use and available capacity of each tower. The Zoning Administrator may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Town, provided, however that the Zoning Administrator shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

24.713.04-3 Design; Lighting

The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided however, that the Planning Commission and Town Council may waive any of these requirements if it determines that the goals of this ordinance are better served thereby.

- Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
- At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
- If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Commission and Town Council may review the available lighting alternatives and require the design that would cause the least disturbance to the surrounding views.
- No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
- To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of 150 feet unless engineering justification is provided to document the additional height request.
- Towers shall be designed to collapse within the lot lines or leased area in case of structural failure.

24.713.05 FEDERAL REQUIREMENTS

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

24.713.06 BUILDING CODES

To ensure the structural integrity of towers, the owner of a tower shall ensure that it complies with standards contained in applicable federal, state and local building codes and regulations.

24.713.07 INFORMATION REQUIRED

Each applicant requesting a special use permit under this ordinance shall submit a scaled plan, a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including

information concerning topography, radio frequency coverage, tower height requirements, set-backs, means of access, parking, fencing, landscaping and adjacent uses. The Planning Commission and Town Council may require other information to be necessary to assess compliance with this ordinance, including frequencies of transmission, in watts, and a copy of the antenna pattern. Additionally, applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid-ground, and the background of the site.

- 24.713.07-1 All proposed towers must be compatible for co-location with a minimum of three (3) users including the primary user. The applicant must submit an engineering study certifying such multiple use is feasible. A governing body in a particular case may waive this provision for good cause shown.
- 24.713.07-2 The applicant shall provide copies of its co-location policy.
- 24.713.07-3 The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.

24.713.08 FACTORS CONSIDERED IN GRANTING CONDITIONAL USE PERMITS FOR NEW TOWERS

The applicant shall obtain a special exception permit from the Pearisburg Planning Commission and Town Council before erecting towers or antennas covered by this article. The Planning Commission and Town Council shall consider the following factors in determining whether to issue a special exception permit, although the Planning Commission and Town Council may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission and Town Council concludes that the goals of this ordinance are better served thereby.

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of the uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Co-location policy;
- i. Language of the lease agreement dealing with co-location; Consistency with the comprehensive plan and the purposes to be served by zoning;
- j. Availability of suitable existing towers and other structures as discussed below; and
- k. Proximity to commercial or private airports.

24.713.09 AVAILABILITY OF SUITABLE EXISTING TOWERS OR OTHER STRUCTURES

No new tower shall be permitted unless the applicant demonstrates by clear and convincing evidence that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

24.713.10 SETBACKS

The following setback requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission and Town Council may reduce the standard setback requirements if the goals of this ordinance would be better served thereby.

- a. The tower must be located so as to be a minimum of four hundred (400) feet from any off-site residential structure.
- b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

24.713.11 SECURITY FENCING

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Planning Commission and Town Council may waive such requirements, if it deems appropriate.

24.713.12 LANDSCAPING

The following requirements shall govern the landscaping surrounding towers for which special use permit is required; provided, however, that the Planning Commission and Town Council may waive such requirements if the goals of this ordinance would be better served thereby.

- a. Tower facilities shall be landscaped prior to use of the facilities with a buffer of plant materials that effectively screen the view of the support buildings from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.
- b. In locations in which Planning Commission and Town Council finds that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases such as towers sited on large wooded lots, the Planning Commission and Town Council may determine that the natural growth around the property perimeter constitutes a sufficient buffer.
- d. Existing trees within two hundred (200) feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicle utilities. In a particular case, this provision may be waived by a governing body.

24.713.13 LOCAL GOVERNMENT ACCESS

Owners of towers shall provide the Town co-location opportunities as a community benefit to improve radio communication for Town departments and emergency services, provided it does not conflict with the co-location requirement of section 713.07-1.

24.713.14 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of each such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Town of Pearisburg, notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. Any buildings constructed in connection with an antenna or tower may remain on the site provided that the owner of the site consents. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Notices given pursuant to this provision shall be given to the owner of the land upon which the tower or antenna is located and to the owner of such tower or antenna and shall be sent by certified mail, return receipt requested to the address listed on the Town of Pearisburg tax records for the landowner and to the address listed in the annual report required pursuant to Section 713.15 for the owner of the tower or antenna.

If no response is made by the owner within the ninety (90) day period following notice, the Town of Pearisburg may cause the antenna or tower to be removed. The cost of removal shall be assessed to the landowner and/or antenna or tower owner as a lien equal to a tax lien. Prior to undertaking removal at the expense of the landowner, such owner shall be given an additional notice of thirty (30) days, in the same manner as set forth above, advising such owner that the tower or antenna has been abandoned and that the failure to remove same within thirty (30) days will result in removal by the Town at the expense of the landowner.

24.713.15

REQUIRED YEARLY REPORT

The owner of each such antenna or tower shall submit a report to the Town of Pearisburg Zoning Administrator, once a year, no later than July 1. The report shall state the current user status of the tower. Notification to the Town is required of substantive changes at least fifteen (15) days prior to commencement.

24.713.16

REVIEW FEES

See Schedule of Fees

Any out of pocket costs incurred for review by a licensed engineer of any of the information required above shall be paid by the applicant.

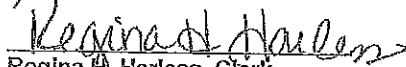
Section 2. This ordinance shall be in effect immediately upon its passage.

This 9th day of June, 2015.

APPROVED:


Robert L. Dickerson, Mayor

ATTEST:


Regina B. Harless, Clerk

Rhh/zoning/tower ordinance for Council 15

Vittum asked that the Resolution on HEAL Cities & Towns Campaign be deferred to the June 23rd Special Meeting to allow him time to get additional information. Harrell asked if this was going to be a grant. Vittum stated that he needs to review the material before it comes back to Council. He stated that there was actually four potential grants begin being reviewed.

On a motion by Clark, seconded by Eaton, passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Munsey, yes; Harrell, yes; Journell, yes; Clark, yes; Council went into Executive Session as permitted by Virginia Code Section 2.2-3711 (A)(7), for consultation with legal counsel, and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Town; and consultation with legal counsel employed or retained by the Town regarding specific legal matters requiring the provision of legal advice by such counsel; and as permitted by Virginia Code Section 2.2-3711 (A)(29), for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiation strategy of the Town.


On a motion by Williams, seconded by Harrell, passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Munsey, yes; Harrell, yes; Journell, yes; Clark, yes; Council returned to regular session.

On a motion by Munsey, seconded the Harrell, and passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Munsey, yes; Harrell, yes; Journell, yes; Clark, yes; Council certified that the subject discussed in this Executive Session was the subject identified in the motion to go into Executive Session and only that subject, and that Council discussed no other subject while in Executive Session.

Munsey made a motion to approve a \$0.07/per 1000 gallon increase after July 1, 2015 in the rate charged to the Town of Pearisburg by the Giles County Public Service Authority. Clark seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

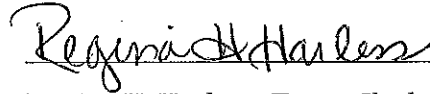
There being no further business the meeting was adjourned.

APPROVED:

A handwritten signature in cursive script, appearing to read "Robert L. Dickerson", written over a horizontal line.

Mayor Robert L. Dickerson

ATTEST:

A handwritten signature in cursive script, appearing to read "Regina H. Harless", written over a horizontal line.

Regina H. Harless, Town Clerk

