

PERSON COUNTY BOARD OF COMMISSIONERS

MAY 3, 2010

MEMBERS PRESENT

OTHERS PRESENT

Johnny Myrl Lunsford
Jimmy B. Clayton
Kyle W. Puryear
B. Ray Jeffers
Samuel R. Kennington

Heidi York, County Manager
C. Ronald Aycock, County Attorney
Brenda B. Reaves, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in special called session on Monday, May 3, 2010 at 5:00 p.m. in the Commissioners' meeting room in the Person County Office Building for the purpose of an administrative work session.

Chairman Lunsford called the administrative work session to order. County Manager, Heidi York explained the work session was set up to bring information to the Board from questions at the Board Retreat held on March 31, 2010.

Sheriff Dewey Jones gave the Board an organizational chart illustrating the four areas within the Sheriff's Department. Administration includes Court, Civil, Office, School, DARE, and GREAT totaling 14 sworn officers and 9 non sworn officers. Investigation has 9 sworn officers. Detention has 21 non sworn officers and Patrol covers 17 sworn officers. Sheriff Jones told the Board 38 full-time sworn deputy positions and 31 full-time Detention Officer positions are funded in the Sheriff's Department budget while 4 full-time sworn deputy positions and 3 full-time Detention Officer positions and 4 part-time sworn deputy positions are funded from the Judicial budget. The Sheriff's budget also covers 6 full-time and 1 part-time civilian employee positions, 5 part-time Detention Officer positions, and 10 part-time sworn deputy positions from Sheriff Reserves.

Sheriff Jones gave an overview of history of new positions noting 2 new deputies were added for the Courthouse in July, 2007. In August, 2007 there were 1800 students at the Person High School for 1 School Resource Officer (SRO). The second SRO was added to the high school in 2007 and a third SRO was added August 25, 2009. Person County Schools funds 2 SRO positions at the high school for 10 months each. The Sheriff's budget covers 3 SRO positions (1 at high school and 1 each at middle schools) plus the 2 months each of the two positions funded by the Schools. The 4 Telecommunicators came under the Sheriff budget July 18, 2008. Two detention officers (non sworn) were added for the security at Courthouse on March 2, 2009.

Sheriff Jones confirmed for the Board when law enforcement works a school function, the fees are paid by the Schools. If law enforcement works a community service, the fees are funded by the Sheriff's budget.

Sheriff Jones provided the Board with a handout outlining the job duties of the School Resource Officers.

Sheriff Jones stated his Department is already working at capacity (42-hour work week) pulling from part-time resources and draining over-time reserves, i.e. Person County has just over 60 registered sex offenders and with new mandates, even more manpower will be needed to handle the complaints.

County Manager, Heidi York reminded the group the Sheriff's Department request for the 2010-2011 budget includes 2 additional full-time sworn deputies plus 2 vehicles.

The group discussed grant writing and commended the Sheriff's Department for seeking and receiving many grant awards. Sheriff Jones noted Person County may be considered for a COPS grant whereby 4 positions would be grant funded for 3 year with the stipulation of the county committing to funding the 4th year

Sheriff Jones stated call volumes had doubled since 2006 noting personnel had not been increased during this time. In 2006, 9856 law enforcement calls were dispatched compared to 18, 676 law enforcement calls being dispatched in 2009 (not including Fire or Emergency calls dispatched).

Chairman Lunsford thanked the Sheriff for the services rendered to Person County and for the information presented.

CLOSED SESSION:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** at 5:41 p.m. to enter into Closed Session pursuant to General Statute 143-318.11(a)(3) to consult with the County Attorney to preserve attorney-client privilege.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to return to open session at 5:58 p.m.

Chairman Lunsford announced a break. The Board resumed order at 6:08 p.m.

County Manager, Heidi York stated Emergency Services Director, Michael Day and Person County Medical Director, Dr. Kimmie Yarborough was joining the administrative work session to follow up on questions raised at the Board Retreat.

Emergency Services Director Michael Day reviewed the current staffing, call volumes, revenues, annual budget, garnishment programs and past due fees as outlined on the handout below:

Person County Emergency Services
FY 2010 / 2011 Budget Request Justification Points

- 1) Current staffing: 4 shifts of 7 employees. 3 ambulances and 1 supervisor
 - a. This has been the standard since 7-1-2001 when the staffing was increased to 3 ambulances.
 - b. 1977 – 2000 staffing was 2 ambulances.
- 2) Call volumes
 - a. 4252 through the end of 3rd quarter this FY. (472 monthly average)
 - b. Records are incomplete and difficult to hand tabulate from 2000 – 2004.
 - c. New software purchased in early 2005 allowed better call data tracking.
 - d. 2004 – 2009 call data shows a 44% call volume increase.
 - e. EMS closed out FY 2008-2009 with 5963 calls for service.
 - i. Average of 497 calls per month
 - f. With increased volumes, we placed 260 calls for inter-facility transfers or discharges from PMH on hold until units could clear and transport the patient.
 - g. With increased volumes and increased incidences of all 3 ambulances tied up, the supervisors have to answer 911 calls in a 4th ambulance and utilize fire department personnel to drive them to the hospital.
 - i. Once this occurs, there are no ambulances available for 911 response.
 - ii. This is difficult to track in CAD but we show ~ 70 for calendar year 2009.
 - iii. EM Director and Manager are paged and have to respond to 5th call
 - iv. Crews are very good about clearing up as quickly as possible to take the next call and we have not had any negative impact.
- 3) Revenues
 - a. FY 2009 – 2010 through 3rd quarter: \$736,259 collected of \$1,017,000 projected (72%)
 - b. FY 2008 – 2009: \$1,347,475 collected of \$1,007,000 projected (133%)
 - c. FY 2007 – 2008 :1,033,459 collected of \$1,003,600 projected (102%)
- 4) Annual budget
 - a. 2009 – 2010: \$2,182,988
 - b. 2008 – 2009: \$2,246,516
 - c. 2008 – 2008: \$2,276,846
- 5) EMS Budget offset by Revenues
 - a. 2009 – 2010: 34% through end of 3rd quarter
 - b. 2008 – 2009: 60% (\$899,041 actual cost for EMS)
 - c. 2007 – 2008: 45% (\$1,243,387 actual cost)
- 6) Debt Set-off and Garnishment Programs
- 7) Our past due fees are over budget projections with addition of garnishments this year
 - a. \$13,236 collected since 3-01-10

Mr. Day explained to the Board the evaluating process initiated by a 911 call beginning with the patient or third party. Mr. Day stated the patient would be transported to a Level I facility should the condition be a major, life threatening trauma. Mr. Day

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noted EMS has four state mandated protocols that will dictate which facility a patient is transported for a specific level of care, i.e. burn, heart attack, stroke and pediatrics. Mr. Day further explained should the condition be a non-life threatening, the patient would be transported to the facility of the patient's choice.

Dr. Yarborough told the Board that 911 dispatchers could not distinguish calls and must forward to EMS for decision. EMS supervisors would assess if Basic Life Support (BLS) services are present and then would in turn forward the call to Wilson Ambulance Service & Support (WASS).

Mr. Day stated since WASS began services on March 15, 2010, EMS has transferred 14 calls which is comparable to the average 40 calls per quarter. WASS is franchised as a BLS ambulance providing BLS level hospital discharges, transporting patients home or to nursing facilities or other care facilities, transfers from Person Memorial Hospital (PMH) to other hospitals, as well as transports for patients from home to doctor appointments. Mr. Day noted PMH has been directed to call WASS directly for any transports that meet the BLS criteria.

Mr. Ryan Wilson of WASS told the Board that since March 15, 2010 approximately 30 calls have come to WASS from PMH departments. Mr. Wilson stated WASS has a constant effort to inform and re-inform staff at the hospital, nursing facilities, and doctor's offices of their BLS services.

Dr. Yarborough agreed with Chairman Lunsford noting miscommunication between agencies related to which services WASS can assist County EMS. Dr. Yarborough reiterated the 911 calls, as policy, continue to route to EMS for decision.

Commissioner Kennington recommended the County Manager to continue to meet with WASS and EMS to work cooperatively as well as meet with PMH to streamline any issues.

Commissioner Clayton commended the services of EMS and thanked the EMS staff and Dr. Yarborough for the good job noting the discussions at this administrative work session have been about budget not about the job or services provided by Person County EMS.

ADJOURNMENT:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to adjourn the administrative work session at 7:00 p.m.

Brenda B. Reaves
Clerk to the Board

Johnny Myrl Lunsford
Chairman

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C. Ronald Aycock, County Attorney
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The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, May 3, 2010 at 7:00 p.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Lunsford called the meeting to order and asked Commissioner Clayton to lead in prayer and Commissioner Kennington to lead the Pledge of Allegiance.

PUBLIC HEARING:

REQUEST FOR A SPECIAL USE PERMIT BY AMERICAN TOWER CORPORATION FOR A WIRELESS TELECOMMUNICATIONS TOWER ON WADE SMITH ROAD "North Roxboro" ATC No. 273100, AT&T No. 368-372:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried** to open the public hearing to consider the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wade Smith Road.

Chairman Lunsford conducted the Oath of Sworn Testimony with the following individuals that would have an opportunity to present to the Board:

- o Jim Stovall, 261 Wimbledon Drive, Roxboro
- o Randy King, 104 Erroll Court, Leasburg
- o Larry Yarborough, 87 Duck Point Drive, Roxboro
- o David A. Smith, PO Box 51597, Durham
- o Nenad Stanisavljevic, RF Design Engineer, AT&T Mobility, Raleigh
- o Karen Kemerait of Blanchard, Miller, Lewis & Styers, P.A., 1117 Hillsborough Street, Raleigh
- o Rusty Monroe of the Center of Municipal Solutions,
- o Paula Murphy, Person County Planning Director

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Planning Director, Paula Murphy stated the County has received a Special Use Permit request from American Tower Corporation to construct a 250 foot wireless telecommunications facility (with a 12 foot lightning rod) within a 100x100 (10,000) square foot lease area approximately 844 feet from US 501 North (Wade Smith Road) on a 35.2 acre parcel. A self support lattice tower that will accommodate six carriers is proposed. A telecommunication facility is allowed with a Special Use Permit in a Rural Conservation Zoning District.

Sheet C-4 indicates that the tower will be enclosed by a minimum seven foot high chain link fence with three strands of barbed wire. There is also a twelve foot wide double swing gate. The fenced area will be 80' x 80'. Access to the site will be by a twenty foot access easement. Sheet C12 shows the access road detail of 12' wide, six inch base of crusher run. The facility will contain an equipment pad and it will be unmanned but visited periodically for routine maintenance. Section G.10(J) of the zoning ordinance states "an access road, turn around space and parking space shall be provided to assure adequate emergency and service access.

Per Section L(2) of the Ordinance, the applicant shall submit documentation justifying the total height of any tower, facility and/or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the County to the extent practicable, unless good cause is shown.

Section P(1), requires that any wireless telecommunications facility support structures shall be setback a distance equal to the height of the proposed tower plus 10 percent of the height of the tower or structure. Ms. Murphy stated the tower must have a fall zone of 288.2 feet however is shown in the documentation at 275 feet. See sheet C3. A waiver is requested for the fall zone to be required at 275. Section J lists the priorities for the placement of new telecommunication facilities as follows with (one) being the highest and (seven) being the lowest priority: 1- on existing county owned towers without increasing the height of the tower or structure. 2- On existing wireless facilities without increasing the height of the structure 3- on county owned property. 4- Business zones 5- RC zone. 6- R zone 7- Historic properties. The proposed site is on property zoned Rural Conservation.

Per Section G.12(C) a balloon test was held on Saturday, August 29, 2009. Section G.15A requires a "zone of visibility map". The applicant has stated "It has been previously agreed that this section of the ordinance can be satisfied by the submission of area pictures taken of the site from locations as noted on the area maps incorporated in this filing. Photo simulations visually portraying the views of the tower as it will appear after it is constructed, along with the area photos from locations where the proposed tower can and cannot be seen, are incorporated in this filing in the photo log and balloon test section, Tab 10." Photos from the balloon test held on August 9 2009 are included in the document prepared by American Tower Corporation.

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PHYSICAL CHARACTERISTICS:

Watershed: Not located within a Person County designated watershed.
Flood Hazard: There are no one hundred flood areas.

CHARACTER OF THE SURROUNDING AREA:

The property in question consists of 35.2 acres and is mostly wooded with some open areas. The area along Wade Smith Road is primarily single family dwelling units.

ORDINANCE PROVISIONS:

Article VII, Section 74;

74-1 Special Use Permits may be issued by the County Commissioners for the uses mentioned under the Special Uses as pertains to each district.

An application for a Special Use Permit must be submitted to the Planning and Zoning Department at least four weeks prior to the regular scheduled Planning Board meeting at which it is to be reviewed. Twenty-four copies of the site plan, prepared by a North Carolina registered land surveyor, engineer or architect, shall accompany the application. The plan, drawn to scale, shall depict the following;

- 1) The boundary of the lot(s) to be developed labeled with bearings and distances, total gross land area, location of easements, utilities, adjacent road names and numbers;
- 2) Name of the project, property owner and applicant, vicinity map, north arrow, scale, date of plan preparation and subsequent revisions dates;
- 3) Topography of site, at contour interval no greater than ten feet, location of perennial and intermittent waters, 100 year flood plains;
- 4) Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred feet adjacent thereto;
- 5) Proposed points of ingress and egress together with the proposed pattern of internal circulation;
- 6) Existing and proposed parking spaces;
- 7) Proposed provisions for water supply and sewage disposal;
- 8) If the site is located in a designated drinking water supply watershed, the plan shall also:
 - a. depict the location of existing and proposed impervious surfaces and respective totals in square fee.
 - b. The total land area of the lot outside of the road right of way in square feet.

74-2 The Planning Board and County Commissioners shall each hold a public hearing at which all interested persons shall be permitted to testify.

74-3 The Planning Board shall forward its recommendation to the County Commissioners within sixty days after the meeting at which the application is heard.

- 74-4 On receiving the recommendation of the Planning Board' the County Commissioners shall consider the application and said recommendation and may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the County Commissioners shall find:
1. that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
 2. that the use meets all required conditions and specifications.
 3. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
 4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan.
- 74-5 In granting the permit, the Planning Board may recommend and the County Commissioners may designate such conditions, in addition and in connection therewith, as well, in its opinion, assure that the use in its proposed location be harmonious with the area in which it is proposed to be located and with the spirit of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of the Special Use Permit or on the plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and assigns.
- 74-6 If the Planning Board recommends the disapproval of the Special Use Permit, and the County Commissioners denies the permit, each body shall enter the reasons for its action in the minutes of the meeting at which the action is taken.
- 74-7 No appeal may be taken to the Board of Adjustment from the action of the County Commissioners in granting or denying a Special Use Permit. Any such action by the County Commissioners shall be considered as the equivalent of action on a proposed zoning amendment and shall be reviewed only in the same manner as action on a proposed amendment.
- 74-8 In addition to the specific conditions imposed by the regulations in this Article and whatever additional conditions the County Commissioners deem reasonable and appropriate, special uses shall comply with the height, yard, area and parking regulations for the use district in which they are permitted unless otherwise specified.

Section 160-5(B) of the Zoning Ordinance states: "The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses that the proposed amendment is consistent with the comprehensive plan, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of County Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is

consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest. Section 2.1.8 states “provide for high technology fiber optics to attract economic development”.

CONSULTANT COMMENTS:

After reviewing the application, The Center for Municipal Solutions (CMS) had the following comments and recommendations:

Section L.1, 4, 8, 11 and Z.2: Applicant requests relief from the monopole type required in Section L.1 and to the tower height restriction of 120 feet as noted in Section L.1,4, 8,11 and Z.2. Recommendation: A waiver is recommended if the County does not wish the proposed tower to be relocated, since monopoles are not normally appropriate for a 250’ tall tower. American Tower has also said it will not build the sites if it is not granted a waiver of the height requirement.

Section X.1-7: Applicant requests waivers of the requirements of Section X.1-7; to the extent these requirements exceed the requirements of the lease. Recommendation: Timing waiver recommended; endorsement to be provided prior to the issuance of a Building Permit.

If a Special Use Permit is granted, CMS recommends the following considerations and conditions to be attached to the permit:

1. The Applicant shall provide a complete structural report, with calculations, to be reviewed and verified prior to the issuance of the Building Permit.
2. The tower shall have a finished height of no more than the permitted height above pre-construction grade.
3. The self support tower shall be completely constructed and ready for use no later than 24 months from the date of the Special Use Permit or the Permit shall be deemed to have expired and of no use or effect.
4. Once American Tower Corporation has met all the conditions of the building permit and all requirements of the County Zoning Ordinance and a building permit is issued, they must notify the County’s consultant if an inspection is required which is not performed by the County.
5. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
6. At the completion of construction the Applicant must notify the County’s consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection by CMS. Upon passing the final inspection a recommendation to issue a Certificate of Occupancy shall be made.

7. The Applicant shall have sufficient funds in the escrow account with the County to pay all expenses related to the application review and the issuance of permits.
8. American Tower Corporation shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
9. That American Tower agrees to make its tower available to Person County, at no charge for collocation of its emergency equipment, subject to conditions which have been agreed upon.
10. The applicant shall expressly comply with the requirements in Subsection M(4) as regards preventing ground scatter effects of lighting. The choice of methodologies utilized is up to the Permittee as long as it has the intended effect of preventing the ground scatter effects of lighting.
11. At least once every five years, the Applicant shall have the facility inspected pursuant to and in compliance with EIA/TIA 222 (F) and shall provide the County with an unredacted, certified copy of the inspection report with photos of discrepancies, which shall specifically identify all discrepancies and situations in need of remediation.

Planning Staff recommends the following conditions to be included with the Consultant conditions:

1. Prior to a zoning permit, documentation from FAA that lighting meets or exceeds FAA standards and does not interfere with air navigation.
2. Prior to a building permit, need signed drawings by a licensed engineer certifying that it will meet local, state and federal building codes and structural standards.
3. Prior to a Certificate of Occupancy, must obtain approval from the County's Consultant that the tower meets all conditions of the Ordinance.

The Board also needs to address the findings of fact in Section 74-4 and that the use is consistent with the comprehensive plan.

PLANNING BOARD REVIEW:

The Planning Board held a Public Hearing on April 15, 2010 and recommended approval in a 5 to 0 vote provided when the height of 250' is no longer needed, the tower company will reduce the height, noted that this was not setting a precedent in approving the additional height and that each tower following will be on a case by case basis, use is in keeping with the Findings of Fact in Section 74-4 and is consistent with the comprehensive plan in addition to the comments from staff and the County's consultant.

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Sworn individuals speaking in favor of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wade Smith Road were:

Ms. Karen Karen Kemerait of Blanchard, Miller, Lewis & Styers, P.A., 1117 Hillsborough Street, Raleigh, NC Zoning Counsel for the applicants, American Tower Corporation and AT&T Mobility requested the Board to take notice of all evidence offered to meet Person County's Ordinance requirements for the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wade Smith Road. Ms. Kemerait stated AT&T would be the first carrier at the highest level with space for 5 additional carriers as well as space dedicated for Person County equipment at no cost to the county. Ms. Kemerait referred to impact analysis of the proposed telecommunications tower on the values of adjoining or abutting properties confirming the proposed tower will not injury the values of adjoining or abutting property and is in harmony with the area. Ms. Kemerait requested Board approval of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wade Smith Road, with three waivers; 1) waiver of the height of tower stating the tower height need not be reduced if to do so would compromise the structural integrity, 2) waiver of the type of tower, a lattice in lieu of a monopole type and 3) waiver of the fall zone from 288.2 feet to 275 feet.

Mr. Jim Stovall, 261 Wimbledon Drive, Roxboro, Chairman of the Economic Development Commission thanked all parties involved to bring this project to fruition and stated support of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wade Smith Road.

Mr. Randy King, 104 Erroll Court, Leasburg, President of Electronic Solutions and resident at Hyco Lake spoke in support of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wade Smith Road and went on record supporting applications for towers at 240 or 250 foot to bring Person County telecommunication services.

Mr. Larry Yarborough, 87 Duck Point Drive, Roxboro spoke in support of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wade Smith Road and request Board approval of the requested towers along with the waivers without any further restrictions.

Commissioner Clayton asked each of the individuals speaking in support for comments about the Person County Ordinance process. Ms. Kemerait stated she would stay with the application process without giving further comments. Mr. Stovall felt the ordinance as written was restrictive and would like to see the process shortened. Mr. King stated a review of the ordinance was warranted and offered to assist with the review process. Mr. Yarborough felt a professional engineer's stamp of approval along with appropriate insurance sufficient.

There were no individuals speaking in opposition to the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wade Smith Road.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried** to close the public hearing to consider the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wade Smith Road.

Commissioner Clayton stated support of having the Ordinance process streamlined and shortened. Commissioner Jeffers suggested a review of the Ordinance take place after the budget was adopted.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton and **carried** to that the Board 1) adopt the findings of fact specified by the Staff, and, 2) find that the proposed use is consistent with Person County's Comprehensive Plan, and 3) approve the requested Special Use Permit subject to the conditions recommended by the Consultant and the Staff with the exception that the tower height need not be reduced if to do so would compromise the structural integrity, and with a waiver of the fall zone, the height of the tower and the monopole tower requirement.

PUBLIC HEARING:

REQUEST FOR A SPECIAL USE PERMIT BY AMERICAN TOWER CORPORATION FOR A WIRELESS TELECOMMUNICATIONS TOWER ON WAGSTAFF ROAD "Lake Hyc" ATC No. 273103, AT&T No. 368-424:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried** to open the public hearing to consider the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wagstaff Road.

Chairman Lunsford conducted the Oath of Sworn Testimony with the following individuals that would have an opportunity to present to the Board:

- Jim Stovall, 261 Wimbledon Drive, Roxboro
- Randy King, 104 Erroll Court, Leasburg
- David A. Smith, PO Box 51597, Durham
- Nenad Stanisavljevic, RF Design Engineer, AT&T Mobility, Raleigh
- Karen Kemerait of Blanchard, Miller, Lewis & Styers, P.A., 1117 Hillsborough Street, Raleigh
- Paula Murphy, Person County Planning Director

May 3, 2010

Planning Director, Paula Murphy stated the County has received a Special Use Permit request from American Tower Corporation to construct a 240 foot wireless telecommunications facility within a 100x100 (10,000) square foot lease area approximately 850 feet from Wagstaff Road on a 228 acre parcel.. A self support lattice tower that will accommodate six carriers is proposed. A telecommunication facility is allowed with a Special Use Permit in a Residential Zoning District.

Sheet C-4 indicates that the tower will be enclosed by a minimum seven foot high chain link fence with three strands of barbed wire. There is also a twelve foot wide double swing gate. The fenced area will be 80' x 80'. Access to the site will be by a thirty foot access easement on an existing 12 foot wide gravel drive. Sheet C3 and C11 shows the access road detail of 12' wide, six inch base of crusher run. The facility will contain an equipment pad and it will be unmanned but visited periodically for routine maintenance. Section G.10(J) of the Zoning Ordinance states "an access road, turn around space and parking space shall be provided to assure adequate emergency and service access".

Per Section L(2)of the Ordinance, the applicant shall submit documentation justifying the total height of any tower, facility and/or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the County to the extent practicable, unless good cause is shown.

Section P(1) requires that any wireless telecommunications facility support structures shall be setback a distance equal to the height of the proposed tower plus 10 percent of the height of the tower or structure. The tower must have a fall zone of 275 feet.

Section J lists the priorities for the placement of new telecommunication facilities as follows with (one) being the highest and (seven) being the lowest priority: 1- on existing county owned towers without increasing the height of the tower or structure. 2-On existing wireless facilities without increasing the height of the structure 3- on county owned property. 4-Business zoned. 5- RC zone. 6- R zone. 7- Historic District. The proposed site is on property zoned Residential, which is the sixth lowest priority.

Per Section G.12(C) a balloon test was held on Saturday, November 7, 2009. Section G.15 (A) The applicant has stated "It has been previously agreed that this section of the ordinance can be satisfied by the submission of area pictures taken of the site from locations as noted on the area maps incorporated in this filing. Photo simulations visually portraying the views of the tower as it will appear after it is constructed, along with the area photos from locations where the proposed tower can and cannot be seen, are in incorporated in this filing in the photo log and balloon test section, Tab 10." Photos from the balloon test held on November 7, 2009 are included in the document prepared by American Tower Corporation.

May 3, 2010

PHYSICAL CHARACTERISTICS:

Watershed: Not located within a Person County designated watershed.
Flood Hazard: There are no one hundred flood areas.

CHARACTER OF THE SURROUNDING AREA:

The property in question consists of 228 acres and is mostly open pasture land with some wooded areas. The area along Wagstaff Road is primarily farmland. There are single family dwellings located on the lake within the area.

ORDINANCE PROVISIONS:

Article VII, Section 74;

74-1 Special Use Permits may be issued by the County Commissioners for the uses mentioned under the Special Uses as pertains to each district.

An application for a Special Use Permit must be submitted to the Planning and Zoning Department at least four weeks prior to the regular scheduled Planning Board meeting at which it is to be reviewed. Twenty-four copies of the site plan, prepared by a North Carolina registered land surveyor, engineer or architect, shall accompany the application. The plan, drawn to scale, shall depict the following;

- 1) The boundary of the lot(s) to be developed labeled with bearings and distances, total gross land area, location of easements, utilities, adjacent road names and numbers;
- 2) Name of the project, property owner and applicant, vicinity map, north arrow, scale, date of plan preparation and subsequent revisions dates;
- 3) Topography of site, at contour interval no greater than ten feet, location of perennial and intermittent waters, 100 year flood plains;
- 4) Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred feet adjacent thereto;
- 5) Proposed points of ingress and egress together with the proposed pattern of internal circulation;
- 6) Existing and proposed parking spaces;
- 7) Proposed provisions for water supply and sewage disposal;
- 8) If the site is located in a designated drinking water supply watershed, the plan shall also:
 - a. depict the location of existing and proposed impervious surfaces and respective totals in square feet.
 - b. The total land area of the lot outside of the road right of way in square feet.

74-2 The Planning Board and County Commissioners shall each hold a public hearing at which all interested persons shall be permitted to testify.

- 74-3 The Planning Board shall forward its recommendation to the County Commissioners within sixty days after the meeting at which the application is heard.
- 74-4 On receiving the recommendation of the Planning Board' the County Commissioners shall consider the application and said recommendation and may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the County Commissioners shall find:
1. that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
 2. that the use meets all required conditions and specifications.
 3. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
 4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan.
- 74-5 In granting the permit, the Planning Board may recommend and the County Commissioners may designate such conditions, in addition and in connection therewith, as well, in its opinion, assure that the use in its proposed location be harmonious with the area in which it is proposed to be located and with the spirit of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of the Special Use Permit or on the plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and assigns.
- 74-6 If the Planning Board recommends the disapproval of the Special Use Permit, and the County Commissioners denies the permit, each body shall enter the reasons for its action in the minutes of the meeting at which the action is taken.
- 74-7 No appeal may be taken to the Board of Adjustment from the action of the County Commissioners in granting or denying a Special Use Permit. Any such action by the County Commissioners shall be considered as the equivalent of action on a proposed zoning amendment and shall be reviewed only in the same manner as action on a proposed amendment.
- 74-8 In addition to the specific conditions imposed by the regulations in this Article and whatever additional conditions the County Commissioners deem reasonable and appropriate, special uses shall comply with the height, yard, area and parking regulations for the use district in which they are permitted unless otherwise specified.

Section 160-5(B) of the Zoning Ordinance states "The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses that the proposed amendment is consistent with the comprehensive plan, but a comment by the

Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of County Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest.

The Person County Land Use Plan's "Future Land Use Map" shows this area as Rural Residential/Agricultural. It is defined as low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. The Land Use Plan states the need to provide high technology fiber optics to attract economic development.

The Board also must address the Findings of Fact in Section 74-4.

CONSULTANT COMMENTS:

After reviewing the application, The Center for Municipal Solutions (CMS) had the following comments and recommendations:

Section L.1, 4, 8, 11 and Z.2: Applicant requests relief from the monopole type required in Section L.1 and to the tower height restriction of 120 feet as noted in Section L.1,4, 8,11 and Z.2. Recommendation: A waiver is recommended if the County does not wish the proposed tower to be relocated, since monopoles are not normally appropriate for a 250' tall tower. American Tower has also said it will not build the sites if it is not granted a waiver of the height requirement.

Section X.1-7: Applicant requests waivers of the requirements of Section X.1-7; to the extent these requirements exceed the requirements of the lease. Recommendation: Timing waiver recommended; endorsement to be provided prior to the issuance of a Building Permit.

If a Special Use Permit is granted, CMS recommends the following considerations and conditions to be attached to the permit:

1. The Applicant shall provide a complete structural report, with calculations, to be reviewed and verified prior to the issuance of the Building Permit.
2. The tower shall have a finished height of no more than the permitted height above pre-construction grade.
3. The self support tower shall be completely constructed and ready for use no later than 24 months from the date of the Special Use Permit or the Permit shall be deemed to have expired and of no use or effect.
4. Once American Tower Corporation has met all the conditions of the building permit and all requirements of the County Zoning Ordinance and a building permit is

issued, they must notify the County's consultant if an inspection is required which is not performed by the County.

5. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
6. At the completion of construction the Applicant must notify the County's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection by CMS. Upon passing the final inspection a recommendation to issue a Certificate of Occupancy shall be made.
7. The Applicant shall have sufficient funds in the escrow account with the County to pay all expenses related to the application review and the issuance of permits.
8. American Tower Corporation shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
9. That American Tower agrees to make its tower available to Person County, at no charge for collocation of its emergency equipment, subject to conditions which have been agreed upon.
10. The applicant shall expressly comply with the requirements in Subsection M(4) as regards preventing ground scatter effects of lighting. The choice of methodologies utilized is up to the Permittee as long as it has the intended effect of preventing the ground scatter effects of lighting.
11. At least once every five years, the Applicant shall have the facility inspected pursuant to and in compliance with EIA/TIA 222 (F) and shall provide the County with an unredacted, certified copy of the inspection report with photos of discrepancies, which shall specifically identify all discrepancies and situations in need of remediation.

Planning Staff recommends the following conditions to be included with the Consultant conditions:

1. Prior to a zoning permit, documentation from FAA that lighting meets or exceeds FAA standards and does not interfere with air navigation.
2. Prior to a building permit, need signed drawings by a licensed engineer certifying that it will meet local, state and federal building codes and structural standards.
3. Prior to a Certificate of Occupancy, must obtain approval form the County's Consultant that the tower meets all conditions of the Ordinance.

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The Board also needs to address the findings of fact in Section 74-4 and that the use is consistent with the comprehensive plan.

PLANNING BOARD REVIEW:

The Planning Board held a Public Hearing on April 15, 2010 and recommended approval in a 5 to 0 vote provided when the height of 250' is no longer needed, the tower company will reduce the height, noted that this was not setting a precedent in approving the additional height and that each tower following will be on a case by case basis, use is in keeping with the Findings of Fact in Section 74-4 and is consistent with the comprehensive plan in addition to the comments from staff and the County's consultant.

Sworn individuals speaking in favor of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wagstaff Road were:

Ms. Karen Karen Kemerait of Blanchard, Miller, Lewis & Styers, P.A., 1117 Hillsborough Street, Raleigh, NC Zoning Counsel for the applicants, American Tower Corporation and AT&T Mobility requested the Board to take notice of all evidence offered to meet Person County's Ordinance requirements for the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on 460 Wagstaff Road. Ms. Kemerait stated AT&T would be the first carrier at the highest level with space for 5 additional carriers as well as space dedicated for Person County equipment at no cost to the county. Ms. Kemerait referred to impact analysis of the proposed telecommunications tower on the values of adjoining or abutting properties confirming the proposed tower will not injury the values of adjoining or abutting property and is in harmony with the area. Ms. Kemerait requested Board approval of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wagstaff Road, with two waivers; 1) waiver of the height of tower stating the tower height need not be reduced if to do so would compromise the structural integrity, and 2) waiver of the type of tower, a lattice in lieu of a monopole type.

Commissioner Clayton asked Ms. Kemerait when the process began for the proposed request for a Special Use Permit by American Tower Corporation. Ms. Kemerait responded in the spring of 2009.

Mr. Jim Stovall, 261 Wimbledon Drive, Roxboro, Chairman of the Economic Development Commission stated support of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wagstaff Road.

Mr. Randy King, 104 Erroll Court, Leasburg, President of Electronic Solutions and resident at Hyco Lake spoke in support of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wagstaff Road.

May 3, 2010

There were no individuals speaking in opposition to the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wagstaff Road.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to close the public hearing to consider the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Wagstaff Road.

Commissioner Clayton stated the process was too long by which the request for the towers was before the Board.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to that the Board 1) adopt the findings of fact specified by the Staff, and, 2) find that the proposed use is consistent with Person County's Comprehensive Plan, and 3) approve the requested Special Use Permit subject to the conditions recommended by the Consultant and the Staff with the exception that the tower height need not be reduced if to do so would compromise the structural integrity, and with a waiver of the height of the tower and the monopole tower requirement.

PUBLIC HEARING:

REQUEST FOR A SPECIAL USE PERMIT BY AMERICAN TOWER CORPORATION FOR A WIRELESS TELECOMMUNICATIONS TOWER ON BETHEL HILL SCHOOL ROAD "Lake Mayo" ATC No. 273101, AT&T No. 368-156:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear and **carried** to open the public hearing to consider the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Bethel Hill Road.

Chairman Lunsford conducted the Oath of Sworn Testimony with the following individuals that would have an opportunity to present to the Board:

- Jim Stovall, 261 Wimbledon Drive, Roxboro
- Barbara Montague, 1035 Bethel Hill School Road, Roxboro
- David A. Smith, PO Box 51597, Durham
- Nenad Stanisavljevic, RF Design Engineer, AT&T Mobility, Raleigh
- Karen Kemerait of Blanchard, Miller, Lewis & Styers, P.A., 1117 Hillsborough Street, Raleigh
- Paula Murphy, Person County Planning Director

Planning Director, Paula Murphy stated the County has received a Special Use Permit request from American Tower Corporation to construct a 250 foot (with a five foot lightning rod) wireless telecommunications facility within a 100x100 (10,000) square foot lease area approximately 444 feet from Bethel Hill School Road on a 10.5 acre heavily wooded parcel. A self support lattice tower that will accommodate six carriers is proposed. A telecommunication facility is allowed with a Special Use Permit in a Rural Conservation Zoning District.

Sheet Z2.1 indicates that the tower will be enclosed by a seven foot high chain link fence with three strands of barbed wire. There is also a twelve foot wide double swing gate. The fenced area will be 80' x 80'. Access to the site will be by a twenty foot access easement. Sheet Z-8 and Z2.1 shows the access road detail of 12' wide, six inch base of crusher run. The facility will contain an equipment pad and it will be unmanned but visited periodically for routine maintenance. Section G.10 (J) states "an access road, turn around space and parking space shall be provided to assure adequate emergency and service access".

Per Section L(2) of the Ordinance, the applicant shall submit documentation justifying the total height of any tower, facility and/or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the County to the extent practicable, unless good cause is shown.

Section P(1), requires that any wireless telecommunications facility support structures shall be setback a distance equal to the height of the proposed tower plus 10 percent of the height of the tower or structure. The tower must have a fall zone of 275 feet.

Section J lists the priorities for the placement of new telecommunication facilities as follows with (one) being the highest and (seven) being the lowest priority: 1- on existing county owned towers without increasing the height of the tower or structure. 2. On existing wireless telecommunication facilities without increasing the height of the structure. 3-- on county owned property. 4- Business zoned property. 5- RC zone. 6- R zone. 7- Historic District. The proposed site is on property zoned Rural Conservation.

Per Section G.12(C) a balloon test was held on Saturday, September 12, 2009. Section G.15(a) requires a "zone of visibility map". The applicant has noted that it has been previously agreed that this section of the ordinance can be satisfied by the submission of area pictures taken of the site from locations as noted on the area maps incorporated in this filing. Photo simulations visually portraying the views of the tower as it will appear after it is constructed, along with the area photos from locations where the proposed tower can and cannot be seen, are incorporated in this filing in the photo log and balloon test section, Tab 10.

PHYSICAL CHARACTERISTICS:

Watershed: Not located within a Person County designated watershed.

Flood Hazard: There are no one hundred flood areas.

CHARACTER OF THE SURROUNDING AREA:

The property in question consists of 10.5 acres and is mostly wooded. The area along Bethel Hill School Road is primarily single family dwelling units.

ORDINANCE PROVISIONS:

Article VII, Section 74;

74-1 Special Use Permits may be issued by the County Commissioners for the uses mentioned under the Special Uses as pertains to each district.

An application for a Special Use Permit must be submitted to the Planning and Zoning Department at least four weeks prior to the regular scheduled Planning Board meeting at which it is to be reviewed. Twenty-four copies of the site plan, prepared by a North Carolina registered land surveyor, engineer or architect, shall accompany the application. The plan, drawn to scale, shall depict the following:

- 1) The boundary of the lot(s) to be developed labeled with bearings and distances, total gross land area, location of easements, utilities, adjacent road names and numbers;
- 2) Name of the project, property owner and applicant, vicinity map, north arrow, scale, date of plan preparation and subsequent revisions dates;
- 3) Topography of site, at contour interval no greater than ten feet, location of perennial and intermittent waters, 100 year flood plains;
- 4) Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred feet adjacent thereto;
- 5) Proposed points of ingress and egress together with the proposed pattern of internal circulation;
- 6) Existing and proposed parking spaces;
- 7) Proposed provisions for water supply and sewage disposal;
- 8) If the site is located in a designated drinking water supply watershed, the plan shall also:
 - a. depict the location of existing and proposed impervious surfaces and respective totals in square fee.
 - b. The total land area of the lot outside of the road right of way in square feet.

74-2 The Planning Board and County Commissioners shall each hold a public hearing at which all interested persons shall be permitted to testify.

74-3 The Planning Board shall forward its recommendation to the County Commissioners within sixty days after the meeting at which the application is heard.

- 74-4 On receiving the recommendation of the Planning Board' the County Commissioners shall consider the application and said recommendation and may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include such approved plans as may be required. In granting the permit, the County Commissioners shall find:
1. that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
 2. that the use meets all required conditions and specifications.
 3. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
 4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan.
- 74-5 In granting the permit, the Planning Board may recommend and the County Commissioners may designate such conditions, in addition and in connection therewith, as well, in its opinion, assure that the use in its proposed location be harmonious with the area in which it is proposed to be located and with the spirit of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of the Special Use Permit or on the plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and assigns.
- 74-6 If the Planning Board recommends the disapproval of the Special Use Permit, and the County Commissioners denies the permit, each body shall enter the reasons for its action in the minutes of the meeting at which the action is taken.
- 74-7 No appeal may be taken to the Board of Adjustment from the action of the County Commissioners in granting or denying a Special Use Permit. Any such action by the County Commissioners shall be considered as the equivalent of action on a proposed zoning amendment and shall be reviewed only in the same manner as action on a proposed amendment.
- 74-8 In addition to the specific conditions imposed by the regulations in this Article and whatever additional conditions the County Commissioners deem reasonable and appropriate, special uses shall comply with the height, yard, area and parking regulations for the use district in which they are permitted unless otherwise specified.

Section 160-5(B) of the Zoning Ordinance states "The Planning Board shall provide a written recommendation to the Board of County Commissioners that addresses that the proposed amendment is consistent with the comprehensive plan, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of County Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement describing whether its action is

consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest.

The Person County Land Use Plan's "Future Land Use Map" shows this area as Rural Residential/Agricultural. It is defined as low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. The Land Use Plan states the need to provide high technology fiber optics to attract economic development.

The Board also must address the Findings of Fact in Section 74-4.

CONSULTANT REVIEW

After reviewing the application, The Center for Municipal Solutions (CMS) had the following comments and recommendations:

Section L.1, 4, 8, 11 and Z.2: Applicant requests relief from the monopole type required in Section L.1 and to the tower height restriction of 120 feet as noted in Section L.1,4, 8,11 and Z.2. Recommendation: A waiver is recommended if the County does not wish the proposed tower to be relocated, since monopoles are not normally appropriate for a 250' tall tower. American Tower has also said it will not build the sites if it is not granted a waiver of the height requirement.

Section X.1-7: Applicant requests waivers of the requirements of Section X.1-7; to the extent these requirements exceed the requirements of the lease. Recommendation: Timing waiver recommended; endorsement to be provided prior to the issuance of a Building Permit.

If a Special Use Permit is granted, CMS recommends the following considerations and conditions to be attached to the permit:

1. The Applicant shall provide a complete structural report, with calculations, to be reviewed and verified prior to the issuance of the Building Permit.
2. The tower shall have a finished height of no more than the permitted height above pre-construction grade.
3. The self support tower shall be completely constructed and ready for use no later than 24 months from the date of the Special Use Permit or the Permit shall be deemed to have expired and of no use or effect.
4. Once American Tower Corporation has met all the conditions of the building permit and all requirements of the County Zoning Ordinance and a building permit is issued, they must notify the County's consultant if an inspection is required which is not performed by the County.
5. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
6. At the completion of construction the Applicant must notify the County's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection by CMS. Upon

- passing the final inspection a recommendation to issue a Certificate of Occupancy shall be made.
7. The Applicant shall have sufficient funds in the escrow account with the County to pay all expenses related to the application review and the issuance of permits.
 8. American Tower Corporation shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
 9. That American Tower agrees to make its tower available to Person County, at no charge for collocation of its emergency equipment, subject to conditions which have been agreed upon.
 10. The applicant shall expressly comply with the requirements in Subsection M(4) as regards preventing ground scatter effects of lighting. The choice of methodologies utilized is up to the Permittee as long as it has the intended effect of preventing the ground scatter effects of lighting.
 11. At least once every five years, the Applicant shall have the facility inspected pursuant to and in compliance with

Planning Staff recommends the following conditions to be included with the Consultant conditions:

1. Prior to a zoning permit, documentation from FAA that lighting meets or exceeds FAA standards and does not interfere with air navigation.
2. Prior to a building permit, need signed drawings by a licensed engineer certifying that it will meet local, state and federal building codes and structural standards.
3. Prior to a Certificate of Occupancy, must obtain approval from the County's Consultant that the tower meets all conditions of the Ordinance.

The Board also needs to address the findings of fact in Section 74-4 and that the use is consistent with the comprehensive plan.

PLANNING BOARD REVIEW:

The Planning Board held a Public Hearing on April 15, 2010 and recommended approval in a 5 to 0 vote provided when the height of 250' is no longer needed, the tower company will reduce the height, noted that this was not setting a precedent in approving the additional height and that each tower following will be on a case by case basis, use is in keeping with the Findings of Fact in Section 74-4 and is consistent with the comprehensive plan in addition to the comments from staff and the County's consultant.

Sworn individuals speaking in favor of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Bethel Hill School Road were:

Ms. Karen Karen Kemerait of Blanchard, Miller, Lewis & Styers, P.A., 1117 Hillsborough Street, Raleigh, NC Zoning Counsel for the applicants, American Tower Corporation and AT&T Mobility requested the Board to take notice of all evidence offered to meet Person County's Ordinance requirements for the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower to be located at 792 Bethel Hill School Road. Ms. Kemerait stated AT&T would be the first carrier at the highest level with space for 5 additional carriers as well as space dedicated for Person County equipment at no cost to the county. Ms. Kemerait referred to impact analysis of the proposed telecommunications tower on the values of adjoining or abutting properties confirming the proposed tower will not injury the values of adjoining or abutting property and is in harmony with the area. Ms. Kemerait requested Board approval of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Bethel Hill School Road, with three waivers; 1) waiver of the height of tower stating the tower height need not be reduced if to do so would compromise the structural integrity, 2) waiver of the type of tower, a lattice in lieu of a monopole type and 3) waiver of the fall zone from 275.5 feet to 275 feet.

Commissioner Puryear asked Ms. Kemerait to let AT&T know there are still areas lacking coverage in Person County and encouraged more requests for wireless telecommunications towers.

Ms. Barbara Montague, 1035 Bethel Hill School Road, Roxboro spoke in favor of the of the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Bethel Hill Road and encouraged the Board to approve the request.

There were no individuals speaking in opposition to the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Bethel Hill School Road.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried** to close the public hearing to consider the request for a Special Use Permit by American Tower Corporation for a Wireless Telecommunications Tower on Bethel Hill Road.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers and **carried** to that the Board 1) adopt the findings of fact specified by the Staff, and, 2) find that the proposed use is consistent with Person County's Comprehensive Plan, and 3) approve the requested Special Use Permit subject to the conditions recommended by the Consultant and the Staff with the exception that the tower height need not be reduced if to do so would compromise the structural integrity, and with a waiver of the fall zone, the height of the tower and the monopole tower requirement.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Chairman Lunsford, **seconded** by Commissioner Kennington and **carried by majority vote 4/1** to remove Governance of the Person County Airport and the Role of the Airport Commission from the agenda. Commissioner Jeffers cast the dissenting vote.

A **motion** was made by Commissioner Puryear, **seconded** by Chairman Lunsford and **carried** to approve the agenda as adjusted.

INFORMAL COMMENTS:

There were no comments from the public.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to approve the minutes of Regular Session of April 19, 2010 and April 19, 2010 Board of Equalization & Review.

ADMINISTRATIVE REPORTS:

Commissioner Kennington asked if the Airport Commission members have been given the Airport Report. County Manager, Heidi York replied affirmatively.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** to approve the Administrative Reports for the Airport, Detention Center, Library, Surplus Vehicles & Other Items, and Tax Administration & Collections.

RESOLUTION OF APPRECIATION:

Chairman Lunsford read the Resolution of Appreciation recognizing Janet Hunt. County Manager, Heidi York stated Ms. Hunt was unable to attend the Board meeting as planned and asked Michael Day, Director of EMS to accept the Resolution on Ms. Hunt's behalf. Mr. Day will present the Resolution to Ms. Hunt.

RESOLUTION OF APPRECIATION

WHEREAS, Janet Hunt has served the people of Person County in her capacity as Training Officer at Person County Emergency Services; and

WHEREAS, Janet Hunt has served the citizens of Person County with honor, integrity, sincerity and dedication, providing accurate, concise services for nineteen years, April, 1991 – April, 2010; and

WHEREAS, Janet Hunt has earned the respect and admiration of all who have known her and worked with her throughout her career; and

WHEREAS, the County of Person recognizes the many contributions Janet Hunt has made to the County and offers her sincere best wishes for her retirement.

NOW, THEREFORE, I, Johnny Myrl Lunsford, Chairman of the Person County Board of Commissioners, do hereby extend this Resolution of Appreciation to Janet Hunt for continually striving to make Roxboro and Person County a better place to live and work.

Adopted this the 3rd day of May, 2010.

(signed)

Johnny Myrl Lunsford, Chairman
Person County Board of Commissioners

Attest:
(signed)

Brenda B. Reaves
Clerk to the Board

REQUEST TO SCHEDULE INFORMAL INTERVIEWS DATE AND TIME FOR COMPETITIVE BOARDS AND COMMITTEES:

Clerk to the Board, Brenda Reaves requested Board consideration to schedule the date and time of the informal interview process for the two applicants for the Tourism Development Authority Board. Ms. Reaves gave the Board suggestions for consideration for scheduling the informal interviews.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington, and **carried** to postpone the informal interview process for Tourism Development Authority applicants until the date and time set for the upcoming June 30 competitive boards and committee term expirations.

PERSON COUNTY RENOVATION OF COURTHOUSE, CONSTRUCTION AND RE-ROOFING FOR COMMUNITY COLLEGE, SCHOOL AND COUNTY BUILDINGS CAPITAL PROJECT ORDINANCE:

Finance Director, Amy Wehrenberg requested Board approval on the Person County Renovation of Courthouse, Construction and Re-roofing for Community College, School and County Buildings Capital Project Ordinance that will replace the current capital project ordinance that was previously titled "Person County Renovation of Courthouse and Re-Roofing Construction for County, PCC and School Buildings Capital Project Ordinance" and adopted on February 15, 2010. The new Project Ordinance incorporates the following changes:

- 1) Updated estimates from the engineers for the roofing projects;
- 2) Two additional roofs to be added to the original four: Building F at PCC and a portion of Earl Bradsher School;
- 3) The placement of the Technical Education Building at PCC will remain in this project fund even though it has already been completed and funded from local funds (not to be part of the financing);
- 4) And adding contingency funding (\$100,000) for the possibility of bids exceeding the anticipated Courthouse and Roofing costs to be transferred from the General Fund.

In order to proceed with the projects as outlined as well as to prepare the documents associated with the financing, Ms. Wehrenberg recommended Board adoption of the Project Ordinance which establishes the funding for the projects and gives the appropriate authority for carrying out the required tasks for the projects listed with the changes as presented.

May 3, 2010

Ms. Wehrenberg stated estimates received from the engineers for the roofing have come in less than originally estimated noting the actual bids from construction vendors may be different.

County Engineer, Paul Bailey informed the Board the pre-bid conference will be held on May 11, 2010 and the bid opening is scheduled for May 25, 2010.

Commissioner Kennington asked the Finance Director if she felt comfortable with the Board financing \$5.446 million without a budget presented to the Board and without an increase in county taxes. Ms. Wehrenberg replied Person County has the capacity to take on the debt.

Commissioner Clayton stated interest rates will be rising and this is the right time to finance.

Commissioner Puryear stated the Courthouse renovation is not a necessity.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried by majority vote 4/1** to approve the Person County Renovation of Courthouse, Construction and Re-roofing for Community College, School and County Buildings Capital Project Ordinance as presented. Commissioner Puryear cast the dissenting vote.

**PERSON COUNTY RENOVATION OF COURTHOUSE, CONSTRUCTION AND RE-ROOFING
PROJECTS FOR COMMUNITY COLLEGE, SCHOOL AND COUNTY BUILDINGS
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of Person County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1 The project authorized is the renovation of the Person County Courthouse, new construction of a technical education building for PCC, and re-roofing construction for various county, school and community college buildings. The new construction for the technical education building at PCC is expensed using local funds from Person County. The remaining segments of the project are to be financed by an installment financing under G. S. 160A-20 in addition to funds provided by Person County, the state and any other revenues that may become available.

Section 2 The officers of this unit are hereby directed to proceed with the capital project within the terms of the financing resolution and the budget contained herein.

Section 3 The following amounts are appropriated for the project:

New Construction-PCC Technical Education Building.....	\$ 616,117
Courthouse Renovation	3,326,000
Re-Roofing Construction:	
Old Person Counseling Center.....	68,000
Public Library.....	239,000
PCC – Buildings F&G.....	273,000
Northern Middle School.....	1,332,000
Earl Bradsher School.....	158,000
Issuance Costs	50,000
Contingency.....	100,000
Total	<u>\$6,162,117</u>

Section 4 The following revenues are anticipated to be available to complete this project:

Transfer from General Fund for PCC Tech Ed Building	\$ 616,117
Transfer from General Fund for project contingency.....	100,000
Debt Financing Proceeds.....	5,446,000
Total	<u>\$6,162,117</u>

Section 5 This capital project ordinance replaces the capital project ordinance titled "PERSON COUNTY RENOVATION OF COURTHOUSE AND RE-ROOFING CONSTRUCTION FOR COUNTY, PCC AND SCHOOL BUILDINGS CAPITAL PROJECT ORDINANCE" adopted on February 15, 2010.

Section 6 The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of any and all applicable requirements of North Carolina General Statutes. The terms of the financing resolution also shall be met.

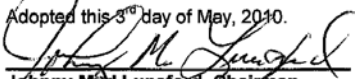
Section 7 Funds may be advanced from the General Fund for the purpose of making payments as due. Any such advances made prior to the securing of adequate financing is intended to be reimbursed from the proceeds from the financing. Reimbursement requests should be made to the financing institution in an orderly and timely manner.

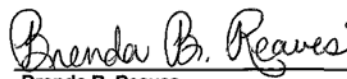
Section 8 The Finance Director is directed to report periodically on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 9 The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project periodically to the Board.

Section 10 Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project.

Adopted this 3rd day of May, 2010.


Johnny Myrl Lunsford, Chairman
 Person County Board of Commissioners


Brenda B. Reaves
 Clerk to the Board

May 3, 2010

BUDGET AMENDMENT:

Finance Director, Amy Wehrenberg presented and explained the following Budget Amendment.

Upon a motion by Commissioner Jeffers, and a second by Commissioner Clayton and majority vote, the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 3rd day of May 2010, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u>
		Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	Transportation	7,500
	Human Services	(7,500)
	Culture & Recreation	21,318
<u>REVENUES</u>	<u>General Fund</u>	
	Other Revenues	50
	Intergovernmental Revenues	21,268

Appropriate: Unused portion of ROAP allocation in DSS to be transferred to PATS where there is a greater need for these funds (\$7,500); a donation received in DSS (\$50) and other various program adjustments in DSS (\$21,268).

CHAIRMAN’S REPORT:

Chairman Lunsford had no report.

MANAGER’S REPORT:

County Manager, Heidi York thanked all Person County residents for their part in Person County being the third best county for census participation with a rate of 79% among the 100 counties, noting the first and second best counties had 80% participation rate.

COMMISSIONER REPORT/COMMENTS:

Commissioner Clayton had no report.

Commissioner Jeffers had no report.

Commissioner Puryear reminded the Board of the Eagle Scout presentation on Saturday, May 8, 2010 at 3:00 pm at the Mayo Lake Recreation Center as well as the following Saturday, May 15, 2010 a flag dedication will be held at the Mayo Park Recreation Center at 12:00 noon.

Commissioner Kennington stated he would be unable to attend on May 8 but he did go to the presentation at Salem Church and congratulated all the Eagle Scouts.

Commissioner Kennington asked the County Manager if there was anything the county could do about the hours at the Post Office. From the audience, Clerk of Court, Deborah Barker, informed the group she had discussed this subject with the Post Master in which she was told the Federal Government controlled and dictated the hours.

CLOSED SESSION:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** at 8:28 p.m. to enter into Closed Session pursuant to General Statute 143-318.11(a)(3) to consult with the County Attorney to preserve attorney-client privilege as well as pursuant to General Statute 143-318.11(a)(5) to discuss land acquisition.

Chairman Lunsford announced a five-minute break.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to return to open session at 9:03 p.m.

ADJOURNMENT:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to adjourn the meeting at 9:03 p.m.

Brenda B. Reaves
Clerk to the Board

Johnny Myrl Lunsford
Chairman