

Access to Wireless Internet Service

Over the past two years, Jackson County has attempted to expand internet accessibility to the citizens of Jackson County that are either underserved or not served at all. Through a partnership with the NC Commerce Department, we surveyed residents of the county who were interested in the improved access to high speed internet service. Once the information was compiled, we hosted a meeting with all the internet providers to share the results of the survey; we sold the remaining assets of Metrostat to Balsam West with the hopes that they would partner with their partner firm, DNet and use those assets to expand internet access in Jackson County; and, our primary provider of land line telephone service has been upgrading and expanding their DSL service; however, we continue to receive feedback from residents that they do not have adequate high speed internet service.

For the past several months, we have been in discussions with Travis Lewis who approached the County with an idea to establish a wireless internet company in Jackson County to expand access to high speed internet service. We have encouraged him in his plans and have assisted where possible. He has now completed the construction of a POP (point of presence) at his commercial business in Sylva and is ready to begin the construction of towers to support his new business venture. He has identified two county locations on which he would like to construct a tower and will be constructing a third tower on Forest Service property at the top of Cowee. The first County site is on Kings Mountain where our emergency services towers are located. Mr. Lewis has met with Todd Dillard and they have identified a site where a tower could be constructed that would not interfere with any of the emergency services towers. The second site is at the Jackson County Airport. The Airport Authority is in support of this site contingent upon him obtaining the appropriate FAA permits that are required anytime you build vertically within a close proximity of the airport. Mr. Lewis has proposed to compensate the County in the following manner. First and foremost, he would provide free high speed internet to any emergency service operation that could be served by one of his towers and to the airport for use by pilots flying in and out of the airport. Currently, most of our fire departments are paying approximately \$100 or more per month to maintain this service and the airport has no service. Secondly, he would pay the County \$3.00 per month for any residential or commercial account that is served from one of his towers. This initial period would be for five years and renegotiated at the end of this period.

The construction of towers to support this operation currently falls under the cell tower ordinance. The proposed cell tower ordinance recently approved by the Planning Board exempts these towers. As things now stand, it will most likely be 3 to 4 months before the Commissioners could review, hold a public hearing, and take action on a new ordinance; therefore, we are asking the Board to consider the possibility of granting a variance to the current ordinance to allow the construction of these towers to move forward. A more detailed description of this action has been provided by Gerald Green and it is attached.

Memorandum

To: Chuck Wooten
CC: Jay Coward
From: Gerald Green
Date: 2/2/2015
Re: Travis Lewis Broadband Request

Travis Lewis is proposing a business to provide improved broadband service to the residents of Jackson County. Implementation of the business would require the installation of towers and other equipment to distribute broadband signals throughout the County. As we have discussed, the towers proposed by Mr. Lewis to accommodate the equipment needed for his broadband service and to distribute the signal to service users would be subject to the county's Cellular Telecommunications Ordinance. In conversations with Mr. Lewis, it appears that the towers he is proposing will comply with the technical and safety related requirements of the Cellular Telecommunications Ordinance. However the application fees mandated by the ordinance pose a challenge for him. The application fee as set forth in the County's schedule of fees and charges, \$4,000, is substantial and was established to cover the cost of review of the more complex applications submitted for towers accommodating cell phone providers. Given the small scale of the business proposed by Mr. Lewis, and the desire to provide residents with broadband service at a reasonable cost, the review fees would create an obstacle to the implementation of his business. Mr. Lewis has requested a waiver of the fees levied by the schedule of fees and charges for new telecommunications towers.

The Cellular Telecommunications Ordinance authorizes the Board of County Commissioners to grant waivers from the provisions of the ordinance. The Jackson County Planning Board in developing the draft new Cellular Telecommunications Ordinance recommended that towers accommodating equipment providing broadband services only be exempt from the formal review process and the fees associated with the formal review. Such towers would be subject to administrative (staff) review to assure compliance with technical and safety, including structural, standards.

Given the recommendation of the Planning Board in the new draft Cellular

February 2, 2015

Telecommunications Ordinance I recommend that the Board of Commissioners approve the request of Travis Lewis, waiving the requirement for formal review of the towers he will erect to accommodate equipment for broadband service and the associated review fees. The towers would be subject to administrative review to assure compliance with technical and safety standards.

Please let me know if you have any questions or require additional information.