

**MINUTES OF A SPECIAL PUBLIC MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 05, 2016**

The Jackson County Board of Commissioners held a Special Public Meeting on January 05, 2016, at 9:00 a.m., Albert Carlton-Cashiers Community Library, 249 Frank Allen Road, Cashiers, North Carolina.

Present: Brian McMahan, Chairman
Mark Jones, Vice Chair
Charles Elders, Commissioner
Vicki Greene, Commissioner
Boyce Deitz, Commissioner

Chuck Wooten, County Manager
Angela M. Winchester, Clerk to Board
Heather C. Baker, County Attorney

Chairman McMahan reconvened the special public meeting and stated the purpose was to continue the quasi-judicial hearing regarding an application received for the proposed construction of a wireless communications tower to be located at 106 Gana Sita Road, Cashiers, North Carolina.

Evidence and testimony were presented to the Board. All Exhibits presented are listed in order of presentation and will be placed in a notebook with Minute Book 20 and are herein incorporated:

(1) EXHIBITS:

(a) Officially entered into evidence by Henry Campen, Attorney for the applicant:

- New Overall Site Plan – Exhibit 6
- Big Sheepcliff 60' Max DT – Exhibit 7
- Thrash Appraisal Report – Exhibit 4

(b) Officially entered into evidence by Fred Jones, Attorney for the Straight Eight Company (Barrs):

- Letter from Rhoades – Exhibit A
- Color Coded Map – Exhibit B
- Barrs Letter – Exhibit C
- Big Sheepcliff Photo 1 – Exhibit D
- Big Sheepcliff Photo 2 – Exhibit E
- Photo of Spring on Zachary Property -Exhibit X

(c) Officially entered into evidence by Henry Campen, Attorney for the applicant:

- Aerial map of Cashiers - Cross Exam Exhibit 1

(d) Officially entered into evidence by Fred Jones, Attorney for the Straight Eight Company (Barrs):

- McAllister / Crown Castle email exchanges 1 – Exhibit I
- Letters opposing proposed cell tower location – Exhibit N
- Petition opposing proposed cell tower location – Exhibit O
- McAllister / Crown Castle email exchanges 2 – Exhibit J
- Cashiers, NC Current Tower Site Aerial Map – Exhibit K

- Robson Appraisal Report – Exhibit L
- Curriculum Vitae of Monroe – Exhibit F
- Monroe review of ordinance – Exhibit H
- Propagation Study Data Sheet – Exhibit M
- Analysis and Comments of Monroe – Exhibit G
- Aerial map of Cashiers – Exhibit P
- County Lease Agreement with Big Sheepcliff POA– Exhibit S

(2) RULING: Pursuant to Section (V) (b) (2) (a) of The Jackson County Wireless Communication Ordinance, the Planning Department, with potential input from consultants or experts, shall review the wireless communication facilities permit application for compliance with the requirements of the ordinance. Upon approval of an application by the Planning Department, a Quasi-Judicial hearing is scheduled on the application for a wireless communications facilities permit. At the Quasi-Judicial hearing, the Jackson County Board of Commissioners must determine the following criteria and make findings with regard to each criteria:

(a) If the proposed site is not proposed for the highest priority location listed in Section (IV) (A) (1) (a-f), page 5, the applicant has satisfactorily demonstrated the reason or reasons why such a permit should be granted for the proposed site. Section (IV) (A) (2), page 5.

Consensus: *The applicant satisfactorily demonstrates the reason or reasons why such a permit should be granted for the proposed site.*

(b) The height of the Wireless Support Structure is 100 feet or less or the Jackson County Board of Commissioners approves an increase in the height of the Wireless Support Structure based on a showing of need and after consideration and satisfaction of the other requirements of this ordinance. Section (IV) (B) (1), page 6.

Consensus: *Applicant has shown a need for a tower height of 125 feet to be comparable to the existing tower. Commissioners grant the request for a 125 foot tower.*

(c) The proposed use or development of the land will not materially endanger the public health or safety. Section (V) (B) (3) (b) (iii) (a), page 14.

Consensus: *The new proposed site plan (Exhibit 6) would shift the tower in the fall zone so that it would not create a danger. There would not be a material danger to the public health or safety.*

(d) The proposed use or development of the land is reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity of the site given the proposed facility, site and access road design and any mitigation techniques or measures proposed by the applicant. Section (V) (B) (3) (b) (iii) (b), page 14.

Consensus: *The application sufficiently demonstrates this criteria.*

(e) The proposed use or development of the land will not substantially injure the value of adjoining or abutting properties. Section (V) (B) (3) (b) (iii) (c), page 14.

Consensus: *There will be injury to the value of adjoining or abutting properties, but it has not been proven to be a “substantial” injury to the value.*

(f) The site can be accessed by service and emergency vehicles. Section (V) (B) (3) (b) (iii) (d), page 14.

Consensus: *The engineered plans show access and a road would be built to the proposed location for access by emergency vehicles.*

(g) The application, site and proposed improvements comply with all provisions of the ordinance. Section (V) (B) (3) (b) (iii) (e), page 14. Note: (This requirement may be met by determining that the Planning Department has approved the application for compliance with the requirements of the ordinance pursuant to #8 below unless you determine that an opposing party has proven that at least one of the requirements of the ordinance has not been met).

Consensus:

- *Applicant to move forward with the alternate site proposed today as Exhibit 6, which would accommodate for the additional height of the tower; and*
- *Regarding the application not having a sworn and signed notarized statement on each piece of evidence, having one sworn statement on the application itself is acceptable; and*
- *The county expressly reserve the right to require the use of camouflage and concealment technology, including but not limited to, installation of trees and shrubs for a vegetation barrier.*

(h) The Planning Department has approved the application for permit with the following conditions:

Consensus: *Application is approved with the following conditions:*

- *Applicant to move forward with the alternate site proposed as Exhibit 6, which would shift the tower in the fall zone; and*
- *Meet the sworn statement requirements*

(i) The application for a wireless communication facilities permit is approved with the following conditions:

Consensus: *Application is approved with the following conditions:*

- *Applicant to move forward with the alternate site proposed as Exhibit 6, which would shift the tower in the fall zone; and*
- *Applicant to meet the sworn statement requirements; and*
- *Applicant to use the most up to date, residential/commercial cooling unit available and suitable for the tower site that would minimize noise, that would be available at the time of construction.*

Motion: *Commissioner Greene moved to approve the application by Crown Castle for a cell tower to be located on the Zachary property as identified on Exhibit 6, further, the Applicant is to meet the sworn statement requirements and Applicant to use the most up to date, residential/commercial cooling unit available and suitable for the tower site that would minimize noise, that would be available at the time of construction. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

(j) The proposed use (or development of the land) meets the requirements set forth in the ordinance for the proposed use and the findings made above shall be incorporated into a written decision as the findings for approval of this application for wireless communication facilities permit. Section (V) (B) (3) (b) (iv), page 14.

A verbatim transcript of the hearing will be placed in a notebook with Minute Book 20 and is herein incorporated.

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Greene seconded the Motion. Motion carried and the meeting adjourned at 5:07 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk

Brian Thomas McMahan, Chairman