

**MINUTES OF A PUBLIC HEARING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 27, 2017**

The Jackson County Board of Commissioners held a Public Hearing on November 27, 2017, at 3:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Charles Elders, Vice Chair
Boyce Deitz, Commissioner
Mickey Luker, Commissioner
Ron Mau, Commissioner

Don Adams, County Manager
Heather C. Baker, County Attorney
Angela M. Winchester, Clerk to Board

Chairman McMahan called the public hearing to order and stated the purpose was to receive public input concerning a request from Western Carolina University to waive requirements of a Wireless Communications Ordinance in order to place a 185' wireless communications tower on the southwestern portion of property located off Cullowhee Mountain Road.

Chairman McMahan stated that he first wanted to take a moment to say that he was saddened to see Chancellor Belcher's statement that morning that he would be entering into medical leave and eventually stepping down as Chancellor. He wished to publicly express his thoughts and prayers for David and Susan. He had been a tremendous leader in the community and for Western Carolina University. He encouraged him and wished him the best going forward.

Commissioner Elders concurred and added that Chancellor Belcher was a fine man and had done a great job for WCU and the county.

Commissioner Deitz stated he thought Chancellor Belcher had a tremendous vision for WCU and the growth at the University since he had been there had shown. He hoped the next person had the same vision to carry on his legacy.

Commissioner Luker stated David and Susan were in his prayers as he fought the same battle and it was not an easy battle. He had been a visionary, a leader and took the University to a whole new level. He was pleased to call him his Chancellor.

Commissioner Mau echoed the same thoughts and prayers to both Mr. and Mrs. Belcher.

Chairman McMahan requested that Michael Poston, Planning Director, state the highlights of the topic.

Mr. Poston stated that Western Carolina University made a request based out of Section 30-29 of the Wireless Ordinance that allowed the Commissioners to consider waivers or modifications to the ordinance. They requested a waiver from the Board of Commissioners on the following items:

- The Conditional Use Permit process found in Section 30-23.
- Maximum height requirement of 180 (tower was 185 with lightning rod) found in Section 30-22(b)(1).
- Maximum height allowed (20 feet above the average canopy height within 100 feet of the tower site) on a protected ridge found in Section 30-22(b)(3)(a).
- Tower not being visible from a public road within ½ mile of the site found in Section 30-22(b)(3)(b).
- The proposed tower required to be a monopole found in Section 30-22(b)(3)(d).

- The access road having to meet private road standards found in the Subdivision Ordinance found in Section 30-23(8)(j).
- The \$5,000 application fee.

With the public hearing process, which was requested by the Board of Commissioners, notification of this meeting was sent out to adjacent property owners.

PUBLIC COMMENTS:

(a) Jon Phillips of Cullowhee stated he was concerned about radiation with the tower. The last study was done 21 years ago and he inquired if a study had been done on this.

(b) Roy Burnette of Sylva stated the Wireless Communications Ordinance was a detailed process for cell tower construction. He felt there were two issues: (1) The University had a construction permit for an FM radio station, which they failed to act upon for 2.5 years, while they could have been serving the community. There were numerous existing structures upon which an FM antenna could be attached. If the University wanted to construct a tower on Brown Mountain at an elevation of 3,680 feet, a 100 foot long tower would suffice at about 15% of the \$500,000 price tag. The FCC allocates a coverage area to avoid interference with other stations. This would be an issue at that elevation. (2) The University's intent to construct a commercial cell tower on Brown Mountain, he was not opposed to, however, that was a separate issue. The county could approve a structure of 180 based on showing of a need. They were talking about an elevation of 3,680 feet with a 180 foot structure on top of that. He did not see that as a need. Also, the ordinance stated that the applicant would perform a balloon test before the public hearing, giving notice to property owners of the test.

(c) Mel Livernois of Cullowhee stated they lived approximately 2,500 feet from the proposed tower. He was the Chairman of the Property Owner's Association of the Westcliff Subdivision. He was also a NC licensed dentist. He was concerned about the use of the private, single lane road that was maintained by the property owners. He was concerned about the construction phase with the road and also ongoing yearly costs. Also, he was concerned about radiation from the tower with children and dogs in close proximity of the tower.

(d) Susan Cooper of Cullowhee stated her property connected to Brown Mountain, which was where her water source came from. There were a lot of natural water sources from Brown Mountain that flowed into Cullowhee Creek and eventually ran into the Tuckasegee River. She was very concerned about the environmental impacts as there were a lot of wildlife and many endangered species of plants in the area. She was also concerned about radiation and property values decreasing.

(e) Edith Lyons of Cullowhee stated that their land line phone went out often and they had no cell service where they lived. They had to drive 2.5 miles down a gravel road to get cell service. She appreciated the concerns about radiation, but she was concerned about people with no cell service on top of Cullowhee Mountain.

(f) Cheryl Ruderman of Cullowhee stated she owned the adjacent property. She just received the letter the Saturday before Thanksgiving about the meeting, which was less than five business days to notify owners about the issue. The tower directly impacted her property as she felt it would devalue it as it was right across the road. They had paid taxes for many years and she felt it was at a value more than what they could sell the property for. She felt there was no regard given to homeowners that would be directly impacted by the tower.

(g) Michael Evans of Cullowhee stated the tower would be approximately 400 yards from where he lived. His wife homeschooled their children and there was a concern as they were home full-time. There were guidelines of how far a tower had to be from a public school. He was concerned it would not be safe to homeschool their kids that close to a tower. Secondary, would be the issue of devaluing their property.

Chairman McMahan invited Mike Byers, Vice Chancellor for Administration and Finance at Western Carolina University to restate the purpose of the tower.

Vice Chancellor Byers stated they did not have a cell provider lined up at that time. Rich Price, Economic Development Director, was working with WCU to find someone that would be interested in placing a cell antenna on the tower. When they looked at what it would take to just put up the FM station online, it could be done at 100', but that was still above the ordinance. They estimated that the tree line would be 40-60' with another 20' above that, they would still need to come before the Board to ask for some kind of consideration if they were going to do a 100' tower. Just to get the FM station on air, the choice was not to do it. But when they heard of the other needs that a taller tower could meet, they came to the Board.

If the tower was approved, Emergency Services would be on the tower at no cost, because that was the greatest "greater good" that would come from the project. Also, they had been contacted by a television station that wanted to put a public broadcast on the tower. That was the only interest they had on the tower at the time. They would work hard to find a cell phone provider and open up the possibility for broadband to locate there as well.

Commissioner Mau inquired who would be managing the tower.

Vice Chancellor Byers stated that The Endowment Fund for Western Carolina University was the entity that owned the property and would operate the tower, which was a not for profit entity.

Commissioner Deitz requested to hear from Todd Dillard, Emergency Management Director, on the issue.

Mr. Dillard stated that starting around Grassy Creek Falls Road up to the top of the mountain, they had very limited radio communications with Emergency Services. If this was approved, it would immensely assist Emergency Services, Fire, EMS, Rescue and Law Enforcement.

Commissioner Elders requested that Mr. Price elaborate on the issue regarding cell phone providers.

Mr. Price stated they did not have a particular cell phone provider at the time that had shown interest through his office. A preliminary view shed analysis, performed by GIS, indicated that line of sight from approximately 120' on this particular tower could potentially hit 1,600-1,700 residences at different points around the county with just wireless broadband. Sky-fi Wireless Broadband had a tremendous interest in the tower as that would boost their ability to serve "unserved" areas in the county. Verizon had indicated they would continue to evaluate as they look at their transmitter locations.

There being no further public comments, Commissioner Elders moved that the public hearing be adjourned. Commissioner Mau seconded the Motion. Motion carried.

Attest:

Approved:

Angela M. Winchester, Clerk

Brian Thomas McMahan, Chairman