

STATE OF NORTH CAROLINA) OFFICE OF THE COMMISSIONERS
) STOKES COUNTY GOVERNMENT
COUNTY OF STOKES) DANBURY, NORTH CAROLINA
) FEBRUARY 1, 2005

The Board of Commissioners of the County of Stokes, State of North Carolina, met in regular session (Planning) in the Council Chambers of the Ronald Wilson Reagan Memorial Building (Administrative Building), located in Danbury, North Carolina, on Tuesday, February 1, 2005 at 7:00 pm with the following members present:

Chairman John Turpin
Vice-Chairman Leon Inman
Commissioner Sandy McHugh
Commissioner Joe Turpin
Commissioner Jimmy Walker

County Manager Richard Morris
County Attorney Jonathan Jordan
Clerk to the Board Darlene Bullins

Chairman John Turpin called the meeting to order.

Planning Director David Sudderth delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman John Turpin opened the meeting by inviting the citizens in attendance to join the Board with the Pledge of Allegiance.

**PUBLIC HEARING
Special Use Permit #163 - 199 ft Telecommunication Tower
Cingular Wireless LLC - Chelsea Drive
Zoning Text Amendments**

Chairman John Turpin called the Public Hearing for Special Use Permit #163 - 199 ft Telecommunication Tower - Cingular Wireless LLC - Chelsea Drive and Zoning Text Amendments to order.

There were no public comments.

Chairman John Turpin closed the Public Hearing.

**GENERAL GOVERNMENT-PLANNING & COMMUNITY DEVELOPMENT
SPECIAL USE PERMIT - CINGULAR WIRELESS LLC- 199 FT TELECOMMUNICATION TOWER**

Planning Director David Sudderth presented the Special Use Permit Request for the construction of a 199 ft monopole telecommunication tower - site owner - Norman and Debbie Bevill - applicant - Cingular Wireless LLC.

**Special Use Permit
Cingular Wireless L.L.C. # 163
(199 ft. Telecommunication Tower)**

REQUEST: Cingular Wireless is requesting a Special Use permit for the construction of a 199 ft. monopole telecommunication tower.

SITE OWNER: Norman & Debbie Bevill

APPLICANT: Cingular Wireless L.L.C.

INITIAL SERVICE PROVIDER: Cingular

SITE LOCATION: The property is located at 1050 Chelsea Drive off of NC Hwy 8 in the Germanton area.

SITE INFORMATION:**PARCEL SIZE:** Total tract 29.44 acres**PROPOSED LEASE LOT:** .23 acres, 10,000 sq. ft. (100 ft. x 100 ft.)**PROPOSED TOWER HEIGHT:** 199 FT. (195 ft. tower, 4 ft. lightning rod)**PROPOSED TOWER TYPE:** Self supporting monopole**CAPACITY:** (6) Antennae arrays**ZONING DISTRICT:** RA (Residential Agricultural)**FLOOD HAZARD AREA:** Not located in flood hazard area.**FIRM MAP #:** 370362 0150 B**FIRM MAP ZONE:** Zone X - Area outside 500-year floodplain.**WATERSHED DISTRICT:** N/A**EMERGENCY SERVICES:** South Stokes VFD, EMS - Station # 102 Walnut Cove.**ACCESS:** Access for the site will be from a 20 ft. easement beginning at the end of an existing 30 ft. access easement that begins at NC Hwy 8 and is identified as Chelsea Dr. a private road. The new 20 ft. easement terminates at the leased area. The access easement lies within the properties owned by Kevin Bevill, (6932-02-76-1690) and Norman and Debbie Bevill, (6932-02-76-9574).**STAFF COMMENTS:** The proposed site meets the requirements as set forth in appendix B of the zoning ordinance. Trigon Engineering has given us a letter of approval stating that the applicants have fulfilled the technical requirements of the ordinance. A staff review of the application and site concur with Trigon's recommendation. The zoning requirements for issuing a special use permit are:

Planning Director Sudderth noted that there had been no calls concerning this Special Use Permit Request.

The following representative from Cingular Wireless, LLC spoke to the Board:

Mr. Hardy Lewis

1117 Hillsborough Street
Raleigh, NC 27603

Mr. Lewis presented each Board member with a booklet pertaining to information in support of the Application for Special Use Permit for a Telecommunication Tower Site Chelsea Drive, Germanton, NC.

Mr. Lewis spoke on the following issues:

- Special Use Permit Application
- Applicant's Project Narrative and Statement of Compliance with the Stokes County Zoning Ordinance
- Site Plans
- Area Maps
- Photo Stimulations - Balloon Test
- RF Engineer's Certification of RJ Justification

(A copy of the presentation booklet will be maintained in the Clerk's office and the Planning Department)

Planning Director Sudderth reviewed the following with the Board:

136.9 Conditions and Guarantees

Prior to the granting of any special use, the Planning Board may recommend, and the responsible body may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the special use as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 136.5 above. In all cases in which special uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. Conditions may include, but not limited to, the following:

- (a) Conditions may be imposed to abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- (b) Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide adjoining property with a buffer or shield from view of the proposed use if necessary.

- (d) Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended approval of the Special Use Permit by a vote of 8 to 0.

136.1 Intent of Special Use District

The development and execution of this Ordinance is based upon the division of the County's jurisdiction into districts where the use of the land and buildings and structures in relation to the land are substantially uniform. It is understood that certain uses which because of their unique characteristics, are not easily classified into any particular zoning district or districts. In this situation, individual consideration for each case must be taken to determine the impact of those uses upon surrounding land and the public need for that particular use in that specific location. In these situations, a special use permit must be obtained.

BOARD ACTION REQUIRES THE FOLLOWING FOR ISSUING SPECIAL USE PERMITS.

The Board must respond and vote on each of the following items concerning the issuance of a Special Use Permit.

Planning Director Sudderth requested the Board's approval for the following special use permit requirements:

136.8 Action by the Responsible Body

The responsible body shall approve, modify, or deny the application for special use following the public hearing. In granting a special use, the responsible body shall insure:

- (a) The requested use is listed among the special uses in the district for which application is made. (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. (5-0)
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. (5-0)
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (5-0)
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. (5-0)

Chairman John Turpin entertained a motion to approve the Special Use Permit Request for the construction of a 199 ft. monopole telecommunication tower - site owner - Norman and Debbie Bevill - applicant - Cingular Wireless LLC.

Commissioner McHugh moved to approve the Special Use Permit Request for the construction of a 199 ft. monopole telecommunication tower - site owner - Norman and Debbie Bevill - applicant - Cingular Wireless LLC.

Commissioner Walker seconded and the motion carried unanimously.

**GENERAL GOVERNMENT-PLANNING & COMMUNITY DEVELOPMENT
ZONING TEXT AMENDMENTS -APPENDIX B WIRELESS TELECOMMUNICATION FACILITIES REQUIREMENTS**

Planning Director David Sudderth stated that the Wireless Telecommunication Facilities Requirements, (Appendix B) have been in effect for over two years. A periodic review of this section has indicated a need to add additional requirements in one area and additional wording in some sections for clarity. County Attorney Jonathan Jordan has

reviewed the text proposals and stated that he has no problems with them.

Planning Director David Sudderth requested the approval of the following amendment:

Amend Stokes County Zoning Ordinance Appendix B (Wireless Telecommunication Facilities Requirements) the following Sections:

Definitions: Special Use Permit for Co-location: Means the official document or permit by which an Applicant is allowed to use existing Wireless Telecommunications Facilities for co-location purposes as granted or issued by the County. This is an administrative procedure not requiring Board action.

PLANNING BOARD RECOMMENDATION:

Approved: Yes

Vote: 8 to 0

Chairman John Turpin entertained a motion to amend the following zoning text amendments:

Amend Stokes County Zoning Ordinance Appendix B (Wireless Telecommunication Facilities Requirements) the following Sections:

Definitions: Special Use Permit for Co-location: Means the official document or permit by which an Applicant is allowed to use existing Wireless Telecommunications Facilities for co-location purposes as granted or issued by the County. This is an administrative procedure not requiring Board action.

Commissioner McHugh moved to approve the motion to amend following zoning text amendments:

Amend Stokes County Zoning Ordinance Appendix B (Wireless Telecommunication Facilities Requirements) the following Sections:

Definitions: Special Use Permit for Co-location: Means the official document or permit by which an Applicant is allowed to use existing Wireless Telecommunications Facilities for co-location purposes as granted or issued by the County. This is an administrative procedure not requiring Board action.

Commissioner Joe Turpin seconded and the motion carried unanimously.

Planning Director David Sudderth requested the approval of the following amendment:

Special Use Permit Application and Other Requirements, Section Y: to add the following. “ If the applicant fails to complete the application process within one year from the date of the initial balloon test, there shall be another balloon test required to be scheduled and performed prior to the public meeting and hearing”.

PLANNING BOARD RECOMMENDATION:

Approved: Yes

Vote: 8 to 0

Chairman John Turpin entertained a motion to amend the following zoning text amendments:

Special Use Permit Application and Other Requirements, Section Y: to add the following. “ If the applicant fails to complete the application process within one year from the date of the initial balloon test, there shall be another balloon test required to be scheduled and performed prior to the public meeting and hearing”.

Commissioner McHugh moved to approve the motion to amend following zoning text amendments:

Special Use Permit Application and Other Requirements, Section Y: to add the following. “ If the applicant fails to complete the application process within one year from the date of the initial balloon test, there shall be another balloon test required to be scheduled and performed prior to the public meeting and hearing”.

Commissioner Joe Turpin seconded and the motion carried unanimously.

Planning Director David Sudderth requested the approval of the following amendment:

Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities: Add the following after “not requiring Board action”, “and will be considered a Special Use permit for Co-location”.

PLANNING BOARD RECOMMENDATION:

Approved: Yes
Vote: 8 to 0

Chairman John Turpin entertained a motion to amend the following zoning text amendments:

Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities: Add the following after “not requiring Board action”, “and will be considered a Special Use permit for Co-location”.

Commissioner McHugh moved to approve the motion to amend following zoning text amendments:

Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities: Add the following after “not requiring Board action”, “and will be considered a Special Use permit for Co-location”.

Vice Chairman Inman seconded and the motion carried unanimously.

Planning Director David Sudderth requested the approval of the following amendment:

Performance Security: Add the following after \$75,000.00 “for new tower construction and \$25,000.00 for co-location construction”.

PLANNING BOARD RECOMMENDATION:

Approved: Yes
Vote: 8 to 0

Chairman John Turpin entertained a motion to amend the following zoning text amendments:

Performance Security: Add the following after \$75,000.00 “for new tower construction and \$25,000.00 for co-location construction”.

Vice Chairman Inman moved to amend the following zoning text amendments:

Performance Security: Add the following after \$75,000.00 “for new tower construction and \$25,000.00 for co-location construction”.

Commissioner Walker seconded and the motion carried unanimously.

GENERAL GOVERNMENT - PLANNING - ZONING VIOLATIONS

Chairman John Turpin requested information from Director Sudderth pertaining to the department’s regulations concerning formal complaints being given to the Planning Department by anonymous individuals refusing to identify themselves.

Director Sudderth noted that currently the Department does not have a formal policy which requires individuals who make a complaint to identify themselves.

The Board discussed the time and funds (gas) being spent on false complaints.

Chairman John Turpin requested Director Sudderth to obtain information from surrounding counties pertaining to this issue.

PUBLIC COMMENTS

There were no public comments.

GENERAL GOVERNMENT - GOVERNING BODY - PROPOSED MEDICAID RESOLUTION SUPPORTING STATE ASSUMPTION OF COUNTY SHARE OF MEDICAID

County Manager Rick Morris submitted the following proposed Medicaid Resolution Supporting State Assumption of County Share of Medicaid as requested at the January 24th:

**MEDICAID RESOLUTION
SUPPORTING STATE ASSUMPTION OF COUNTY SHARE OF MEDICAID**

WHEREAS, Stokes County budgeted **\$1,700,000** (or) **5.56%** of its expenditures for services to Medicaid eligible citizens for fiscal year 2004/05; and

WHEREAS, the counties share of Medicaid reimbursements has increased over 67 per cent in the last five years and now totals approximately \$440 million; and

WHEREAS, Stokes County's Medicaid reimbursements have increased 21.6% over the last five years; and

WHEREAS, North Carolina is one of only two states in the nation that require counties to pay a share of all Medicaid services costs; and

WHEREAS, in Stokes County, average monthly client base is 4,512 or approximately 10% of estimated Stokes County population; and

WHEREAS, the Stokes County's budget for Medicaid expenditures equates to \$36.96 per capita; and

NOW, THEREFORE, BE IT RESOLVED that the **Stokes County Board of Commissioners** urges the North Carolina General Assembly to provide immediate Medicaid relief to Stokes County.

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly representing Stokes County.

Adopted this the **1st** day of **February, 2005.**

John Turpin
Chairman

Darlene Bullins
Clerk to the Board

Chairman John Turpin entertained a motion to approve the proposed Medicaid Resolution Supporting State Assumption of County Share of Medicaid.

Commissioner Joe Turpin moved to approve the submitted proposed Medicaid Resolution Supporting State Assumption of County Share of Medicaid.

Commissioner McHugh seconded and the motion carried unanimously.

GENERAL GOVERNMENT - GOVERNING BODY- APPOINTMENT OF ETJ PLANNING BOARD - TOWN OF WALNUT COVE

Clerk to the Board Darlene Bullins informed the Board of appointments needed for the Town of Walnut Cove - Planning Board - ETJ with advertisements being placed in the local paper.

Clerk to the Board Bullins presented the following individuals who have expressed interest in serving on the Town of Walnut Cove - Planning Board as an ETJ representative:

- C. Arzell Montgomery
- Kevin Webb
- Kay Webb
- Dianne Coffill

Clerk to the Board Bullins stated that C. Arzell Montgomery and Kevin Walker served as regular members and Dianne Coffill served as an alternate.

Commissioner McHugh nominated the following for consideration as appointments to the Town of Walnut Cove -Planning Board as an ETJ representative:

- o C. Arzell Montgomery
- o Kevin Webb
- o Kay Webb
- o Dianne Coffill

Chairman Elwood Mabe, Walnut Cove Planning Board, requested that appointments be staggered as follows: member (3 year term); member (2 year term); and alternate member (2 year term) to avoid terms expiring at the same time.

A Public Hearing will be held at the February 14th meeting in order for individuals to express interest in serving on the Town of Walnut Cove -Planning Board as an ETJ representative.

CLOSED SESSION

Chairman John Turpin entertained a motion to enter into closed session for the following:

To consult with the county attorney or another attorney employed or retained by the county in order to preserve the attorney-client privilege pursuant to GS 143-318.11(a)(3).

To consider and take action with respect to the position to be taken by the county in negotiating the amount of compensation or other material terms of an employment contract pursuant to GS 143-318.11(a)(5).

Commissioner McHugh moved to enter into closed session to:

To consult with the county attorney or another attorney employed or retained by the county in order to preserve the attorney-client privilege pursuant to GS 143-318.11(a)(3).

To consider and take action with respect to the position to be taken by the county in negotiating the amount of compensation or other material terms of an employment contract pursuant to GS 143-318.11(a)(5).

Commissioner Joe Turpin seconded and the motion carried unanimously.

The Board returned to the regular session of the February 1st meeting.

GENERAL GOVERNMENT - GOVERNING BODY - DUKE POWER -QUESTIONABLE LATE PAYMENT - PROPERTY TAX

Commissioner McHugh moved to approve on the advice of the county attorney and given that proof was provided by Duke Power, the County Tax Department accept as proof the documentation sent to them that Duke Power's bill was paid in a timely fashion and that the County make no further attempts to collect any late fees that are not due because it was paid on time.

Vice Chairman Inman seconded and the motion carried 3-2 with Chairman John Turpin and Commissioner Joe Turpin voting against the motion.

GENERAL GOVERNMENT - LEGAL - EMPLOYMENT CONTRACT

Chairman John Turpin entertained a motion for the contract for legal services.

Commissioner McHugh moved to approve the contract for legal services with the County Attorney, Jonathan Jordan, beginning March 1, 2005.

Vice Chairman Inman seconded and the motion carried unanimously.

(A copy of the contract will be maintained in the Attorney's office and Clerk to the Board's office.)

There being no further business to come before the Board, Chairman John Turpin entertained a motion to adjourn the meeting.

Vice Chairman Inman moved to adjourn the meeting.

Commissioner Joe Turpin seconded and the motion carried unanimously.

Darlene Bullins
Clerk to the Board

John M. Turpin
Chairman