

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administration Center Drive, Courtland, Virginia on December 19, 2016 at 6:00 PM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)  
Ronald M. West, Vice Chairman (Berlin-Ivor)  
Dr. Alan W. Edwards (Jerusalem)  
Carl J. Faison (Boykins-Branchville)  
Barry T. Porter (Franklin)  
S. Bruce Phillips (Capron)

SUPERVISORS ABSENT

R. Randolph Cook (Newsoms)

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)  
Lynette C. Lowe, Deputy County Administrator/Chief Financial Officer  
Beth Lewis, Community Development Deputy Director  
Julien W. Johnson, Jr. Public Utilities Director  
Richard E. Railey, Jr., County Attorney  
Amanda N. Smith, Administrative Assistant

OTHERS ABSENT

Chairman Jones called the meeting to order.

After the Pledge of Allegiance, Supervisor Faison gave the invocation.

Chairman Jones stated that the first item on the agenda is a closed session.

Mr. Michael Johnson stated it is necessary for this Board to now conduct a closed meeting in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purpose:

- 1) In accordance with Section 2.2-3711 (A) (5), Discussion with staff from FSEDI concerning prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

A motion is required to convene a closed meeting for the purposes described above.

Chairman Jones asked if he could get a motion to go into closed session.

Supervisor West made a motion to go into closed session.

Supervisor Phillips seconded the motion which carried unanimously.

Chairman Jones called the meeting back to order and stated at this time we will have the certification resolution.

Supervisor West read the certification resolution to go back into open session.

## RESOLUTION OF CLOSED MEETING

**WHEREAS, the Southampton County Board of Supervisors had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and**

**WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.**

**NOW, THEREFORE, BE IT RESOLVED that the Southampton County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public matters as were identified in the motion convening the closed meeting were heard, discussed and considered by the Southampton County Board of Supervisors.**

Supervisor West made a motion to adopt the certification resolution.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states we are now back in open session. We didn't take any action in our closed meeting. Let's go to number four, citizen comment period. Would anyone like to speak?

Joseph Steward addressed the board. Good evening, my name is Joseph Steward. I am Vice-Mayor of the Town of Newsoms as well as a member of the volunteer fire department in the Town of Newsoms since 2000. I have over fifteen years with the volunteer fire department. I come to you tonight with an issue that is not just my issue but it is many people throughout this county. Many throughout the county are living check to check. This is the worst time of the year for taxes to be due. My wife and I owe roughly \$2,000 in taxes for personal property. We do not own our home. That is just vehicles and other items such as the trailer. My issue is mainly living check to check it is hard for me to find even \$200 a month extra. That being said, when I approached the county about a payment plan I was told I had three months. At three months, my balance without interest would be \$642.58 a month. That is more than my rent. I am moving out of my house because I was making \$1,000 more a month last year than what I am making now. I am not the only one in this county feeling this problem. I have a vehicle that was on my taxes that I no longer own. It took me over a month to get that straight next door. Luckily, Toyota was able to get me a paper saying I didn't have the vehicle. My brother-in-law hasn't lived in this county for over a year and a half. Last year he had the issue of getting his taxes straight because he moved all of his personal property. This year he again received bills for vehicles and other items for personal property. He is not in this county. My mother received a bill for an item that she didn't have; never had. I have had that same issue in the past as well as my friend that just bought a brand new truck. His dad was on his taxes. There is no consistency. I understand that the county needs money. Newsoms has the same thing. We have to deal with taxes coming in. But, for the amount of taxes that we pay, the time of year it is due, and a short payment plan like that you are kicking people where it hurts and kicking them while they are down. I have no problem paying my taxes. I have never not paid my taxes for this county. But, \$642 is right much for me to come up with every month for three months. Thank you.

Chairman Jones states thank you sir. Anyone else?

There was no response and the citizen comment period was closed.

Chairman Jones states alright gentlemen, did anyone have any problems with the minutes. Was there anything that needed correcting? If not, the minutes will stand approved. We will go to highway matters, Mr. Johnson.

Mr. Michael Johnson states just a couple of items Mr. Chairman. First of all, with your agenda packages you will see a flyer advertising VDOT's Design Public Hearing for the South Quay

Bridge replacement project. That public hearing will be in this room on January 11, 2017 beginning at 4:00 p.m. It will be an open house type format from 4:00 p.m. to 7:00 p.m. You all may remember that particular project includes construction of a new 35-foot wide bridge. It has two 11-foot wide travel lanes and six foot shoulders on each side. At that public hearing the project plans, all of the environmental documentation, as well as the tentative instruction schedule will be available for review and comment. Citizens can make comments either written or oral the night of the hearing, or they may mail them or email them back to VDOT no later than January 23<sup>rd</sup>. Just in the event of inclement weather, the hearing date would be moved one week to January 18<sup>th</sup>. Any questions on that?

Chairman Jones states does anyone have any questions on that? Alright.

Mr. Michael Johnson states item B, just in your agenda package you will see a number of project updates with projects that are currently under construction. Those include the interchange here in Courtland as well as the Route 35 bridge replacement in Boykins, the General Thomas Highway signalization project, the General Thomas Highway bridge replacement project, and finally the South Quay bridge replacement project. I will be glad to answer any questions on any of those if you have them.

Chairman Jones states does anyone have any questions on any of the bridges or any of the work that is going on in the county. Alright, we will go to C, monthly concerns.

Chairman Jones called on Supervisor West.

Supervisor West states I don't have anything.

Chairman Jones called on Supervisor Faison.

Supervisor Faison states no.

Chairman Jones called on Supervisor Porter.

Supervisor Porter states no.

Chairman Jones called on Supervisor Edwards.

Supervisor Edwards states no sir.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states yes sir. On Indian Town Road there is a culvert that has washed... the asphalt is deteriorated about a foot out into the road. Two cones are there, but if a school bus or two vehicles meet at that point somebody... it is probably a mile from the intersection of Mineral Springs Road towards Courtland or less.

Mr. Michael Johnson states one mile east of Medicine Springs Road.

Supervisor Phillips states yes and like I said there are two cones there now, but there is no way two vehicles can pass at that point whether it is a school bus, log truck, or otherwise. That needs some help. Thank you.

Chairman Jones states I don't have anything either. We will go to number seven, appointments.

Mr. Michael Johnson states item A, Mr. Chairman, is the Western Tidewater Community Services Board. We talked about it last month. Ms. Dorothy Jones term on that board will expire at the end of this month. She is eligible for reappointment. I know Supervisor Phillips has been working very diligently to try and establish contact with her.

Supervisor Phillips states and I have. Mr. Chairman I would like to put Ms. Dorothy Jones name in for nomination for another three year term. I had a very interesting conversation with her that went on close to 45 minutes.

Chairman Jones states I am sure it did. I know her very well.

Supervisor Phillips states she mentioned you among others. We went through and we know a lot of people in this county. I think she is probably well suited for the job on that board. I would like to put her name in nomination for reappointment.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states we will go to item B.

Mr. Michael Johnson states item B is the Tidewater Emergency Medical Services Council (TEMS). You see correspondence from their Executive Director seeking a nomination to their Board of Directors. Mr. Brian Steelman from the Berlin-Ivor District has served in that position since 2011 when he was first appointed to fill the remaining unexpired term of Mr. Robert Grizzard. Mr. Steelman is eligible for reappointment and I think you all probably saw from the letter that he had been able to attend four of the seven meetings last year.

Supervisor West states and he is going to move by March out of the county into another area. He will not be eligible from this standpoint to be the nominee for next time. I tried to get in touch with Mr. Paul Kea and I understand that the TEMS Council is working to establish a recommended person, and I think this person would come into place March 1<sup>st</sup> or at their March meeting.

Mr. Michael Johnson states they have asked for our nomination back to them by January 31<sup>st</sup> so that they can act on it at their regular meeting in March.

Supervisor West states I have already left messages for Mr. Kea at this point and I haven't heard back from him. Unless one of you prefer to take this over I would like to work with Mr. Kea through the committee and go with their recommendation and bring it back to you.

Chairman Jones states does anyone have any objections to this? Alright Mr. West.

Supervisor West states I will have that ready for next month.

Chairman Jones state that will be fine. Alright, let's move on to number eight, reports; Sheriff's Office, Animal Control, Litter Control, Building Permits, Cooperative Extension, Solid Waste Quantities, Personnel, Mr. Johnson.

Mr. Michael Johnson states I don't seem to have the report in my agenda package Mr. Chairman. I apologize.

Chairman Jones states we have two people who are retiring. Ms. Wanda Covington in the Sheriff's Office at \$57,947 and Ms. Peggy Davis in the Registrar's Office at \$48,802. These two employees are retiring. That is all that we have on the report. Alright, Courthouse Planning Committee, Dr. Edwards.

Supervisor Edwards states I really don't have anything else at this point.

Mr. Michael Johnson states you do have a copy of their last meeting minutes from November 2<sup>nd</sup> that is in your agenda package. I just want to keep you up to date on what is being done.

Chairman Jones states alright, let's go to number nine, financial matters; the bills.

Supervisor West states I have gone through the list and I know they have been audited by county staff and the county believes in paying the bills on time. I make a motion at this time that all bills be paid.

Supervisor Edwards seconded the motion to pay the bills in the amount of \$1,989,181.17 to be paid by check numbers 150067 through 150479. The motion carried unanimously.

Chairman Jones states let's go to number ten, public hearing.

Mr. Michael Johnson states we have one public hearing this evening Mr. Chairman. It is being held pursuant to Sections(s) 15.2-1427 and 15.2-2204 of the Code of Virginia, 1950, as amended to consider a request by Apex Tower Company, applicant, on behalf of Irene Diggs, owner, for a Conditional Use Permit to construct a 199' tall non-illuminated self-supporting communication tower, per Section 18-427 of the Southampton County Code. The property is known as Tax Parcel 22-26B and is located on the west side of Ivor Road, State Route 616, at its intersection with Cottage Hill Road, State Route 641. The property is in the Berlin-Ivor Voting and Magisterial Districts. The notice of public hearing was published in the Tidewater News on December 4 and December 11, 2016 and all adjacent property owners were notified as required by law. Following its public hearing on November 10, 2016, the Planning Commission unanimously recommended approval of the conditional use permit with five specific conditions which are itemized in the report from the Planning Commission. After conclusion of tonight's public hearing, the Board will consider the comments offered this evening and will proceed to approve, deny, or defer action on the request. Mrs. Beth Lewis, Secretary to the Planning Commission, will provide introductory remarks after which all interested parties are invited to come forward and express their views.

Mrs. Beth Lewis states good evening. First I would like to give you an update on the cell towers you have looked at over the past couple of years. The cell tower on Johnsons Mill Road and Peachtree Avenue in Sedley, they have a building permit in their hand. They said they will start construction at the end of January or the beginning of February when the worst of the winter is over. The cell tower that was approved just outside of Newsoms at the end of Depot Street is waiting for their decommissioning bond to be approved. Then, that one will get a building permit. The one at the intersection of Plank Road and Wakefield Road is in plan review right now. The one on Millfield Road, just east of Ivor Road, is in plan review right now. That one is about two miles away from this proposed tower.

Supervisor West states what does it mean, plan review, as far as are they themselves looking at it or is it something coming back for you to look at.

Mrs. Beth Lewis states they have submitted plans to our office. We are reviewing them and we will get comments to them. So, we are looking at the Erosion and Sediment Control.

Supervisor West states so that is Plank Road and Wakefield Road and also...

Mrs. Beth Lewis states Millfield Road and Ivor Road, and Newsoms is ready for a building permit except for getting the decommissioning bond approved.

Supervisor West states how long does it generally take.

Mrs. Beth Lewis states it only takes us a few days to review the plans. It is how long it takes them to get them prepared and back to us. The process usually takes a month. A lot of times it goes back and forth a couple of times.

Supervisor West states good enough. Thank you.

Mrs. Beth Lewis states this is a request for a 199' foot tower on Tax Parcel 22-26B. The Planning Commission held a public hearing. There was a lot of discussion as there always is about cell towers. We all know about the Pythagorean Theorem and everything else. This one as I said will be just about two miles from the one on Millfield Road, and that was a point of discussion at the Planning Commission meeting. One of the conditions that was added was that Apex, the applicant, would make all reasonable effort to secure Verizon as a tenant so there wouldn't be a tower on Millfield Road and a tower on Ivor Road. But, the tower on Millfield Road is seeking a building permit now so...

Supervisor West states what is the general distance there for these towers; both Millfield and...

Mrs. Beth Lewis states it is two miles.

Supervisor West states but what is the range.

Mrs. Beth Lewis states that is a question for Mr. Condyles the consultant. As was discussed at the

Planning Commission meeting, as the data usage goes up from 4G to 5G the towers tend to get closer together. There were questions at the Planning Commission meeting from one of the abutting property owners about safety. Should the tower fall does the antenna get dislodged from the tower during a weather event. Those questions can be answered by both the applicant and the consultant.

Supervisor West states and radiation. I am going to throw that out there.

Mrs. Beth Lewis states that was a discussion for the Little Texas Tower I think about radiation. But anyway, the Planning Commission after their typical thorough discussion made a recommendation of approval with the conditions that were suggested to the applicant. The recommendations to the applicant were to grant the application as submitted by the applicant if redundancy is not an issue. The applicant should provide, free of charge, one antenna slot on the tower for Public Safety. The NEPA Report which is the environmental report should be completed prior to the issuance of a building permit. The consultant believes there will be no disturbance of endangered species or environmental concerns based on his field inspection. The applicant should supply the county with the report about historic impacts. And, the fifth condition was that they make all reasonable effort to get Verizon as well as T-Mobile as a tenant on this tower. Mr. Condyles, the county's consultant is here and Mr. Timmons the representative of Apex Towers is here if you have any questions. I will be glad to answer any questions as well. I believe the abutting property owner is here as well.

Chairman Jones states does anyone have any questions for Mrs. Lewis. Thank you very much. This is a public hearing. Is there anyone for or against this application?

Mr. John Scott addressed the board. Good evening. My name is John Scott and I am one of the property owners near the tower. I think I am the closest one. If so, that tower is less than 400 feet from the rear of my property. I spoke at the Planning Commission meeting and I voiced my concerns then. I mentioned radiation. I didn't know much about radiation when I spoke, but someone after I spoke and it was passed said to come to the board about any radiation being put off. (Inaudible). The tower is designed to collapse. I am still concerned about that being that close to my house. Also, I am concerned about the fact I can sit in my den and look out by back yard and I can see that tower. One other person asked about property value and no one could tell me about my property value. Those are my concerns and I have a question if they can move the tower another 800 feet on that land. I think that would solve my problem. I have spoken with the property owner, Mr. Diggs, and he has no problem with them moving the tower.

Supervisor West states does either location on this property; wherever it would be now; the spot that you have requested that it be moved to. Is the owner okay with both places?

Mr. John Scott states yes. As long as it doesn't go into his farming area he is okay with it.

Supervisor West states and radiation, we are going to get an answer on that in a few minutes from the gentleman there. I don't know. I have never heard of that radiation.

Supervisor Edwards states there is no radiation. There is no electrical field. There are absolutely no unstable isotopes distributing radiation. Radiation is not a concern.

Supervisor West states but again, we don't know. It is just like under the power lines or transmission lines that are supposedly abandoned. I have heard and I don't know. I would say he is speaking as Dr. Edwards and this gentleman here can speak in another capacity. My main concern is why and I am not opposed to this at this point; but, why do we have one only two miles away. I would think it could go 3 ½ miles or 4 miles to get the maximum distance. I don't know. Mrs. Lewis thank you for the information tonight like the one on Johnsons Mill Road; that tower will be coming up. But, I just thought for practicality and range and me using my phone, if the next tower is two miles away that is only halfway of a mile. There is overlap. I don't care what anybody says. You need more distance. I don't understand why it is so close. If this gentleman that owns the land is willing to back it up, maybe that will spread it out a little bit. I don't know. So, you live on...

Mr. John Scott states I live on Ivor Road.

Supervisor West states okay, you are on Ivor Road. I remember now. I know where you are then.

Mr. John Scott states my understanding of it from the gentleman that spoke at the Planning Commission, that the tower can be moved at least a mile in any direction and still be sufficient.

Supervisor West states well that would cost some money for them I am sure and that will play into it.

Chairman Jones states alright, thank you sir. Does anyone else on the board have anything to say? Alright, anyone else.

Mr. Harold Timmons addressed the board. Good evening. For the record my name is Harold Timmons and I am here representing Apex Tower Company. What we are trying to do is get approval for a 195' self-sustaining tower. Our tenant will be T-Mobile and I have a representative from T-Mobile here tonight with me. Mr. Orlando Landron is a Radio-Frequency Engineer so he can speak to radio frequency issues as it relates to T-Mobile. The location of this tower meets the county ordinance requirements. Just to go through the facts of it. We are leasing 100 feet x 100 feet. There is a fence 70 feet x 70 feet of that. We can expand that to 100 feet as we need it. We will have to build a road from Ivor Road onto the property. That is 615 feet of asphalt. We have to do that. We have a 30 foot right-of-way. We can gravel 12 feet of that 30 feet and that would be used for any utilities we have to bring off the road. When we did our search we didn't find any existing structures within a two mile radius or even a three mile radius. Later, we did find out that there was an approved but unbuilt structure about two miles away. So, I can have Mr. Landron speak to the fact where that tower is located and how that tower is going to work within our network, or if there are problems or issues that this tower will resolve. In terms of our setback requirements, and in terms of the requirements that the ordinance speaks of as a hole, we have either met or exceeded those requirements significantly. For example, the front yard setback that we are required to have at minimum is 220 feet. We have it at 615 feet. The side setback minimum requirement is 220 feet. On the northern side of the property it is 1465 feet from the property line. From the western side it is 2,272 feet and from the southern side it is 756 feet. To the nearest adjoining property that has a house on it adjoins Mr. Scott. It is 415 feet from the property line and about 500 feet from the actual residence. In reality we are 2.7 times the height of the tower away from his house. While towers do not fall like trees, they are designed to collapse on itself. If by chance the tower did fall as a tree it would remain on the property owner's property and would have to subsequently flip two additional times to reach Mr. Scott's house. I point that out to indicate that we have placed this tower in a good location although the adjoining property owner thinks it should be further, we have met our safety factors and we have exceeded the county zoning ordinance and its requirements. So, we are hoping you will take that into consideration. In addition the property that we are on wraps around Mr. Scott's property. There is vegetation on three sides of his property. On the northern side there is a 75 foot stance of trees and to the rear there is a significant amount of trees and to the opposite side of his house there is a significant amount of trees. So, the property is currently surrounded by significant, mature vegetation. In addition to that we have reviewed the conditions. We are in agreement with the conditions of the consultant's report. We will certainly do our best to meet condition five as it says we will make a reasonable effort to secure Verizon as a tenant. I certainly think that is a reasonable requirement. As always, we offer the local jurisdictions a location on the tower for emergency communication equipment. There is no charge to the jurisdiction. All that we ask is that you work with us in placing that equipment in a location that doesn't interfere with the commercial valuable locations on the tower. And, with that I will take any questions that you might have. If you have any questions related to the T-Mobile network I will refer those questions to Mr. Landron.

Supervisor West states okay, I have a couple of questions. Mrs. Lewis, that two mile away tower; is that Verizon?

Mrs. Beth Lewis states yes sir.

Supervisor West states okay, and we are talking about T-Mobile here.

Mrs. Beth Lewis states that is correct.

Supervisor West states do you usually co-exist with Verizon?

Mr. Harold Timmons states any carrier. They all can co-exist.

Supervisor West states and I am not a good mathematician Mr. Timmons. A 195 feet straight up, 100 feet straight out 50 feet dead center. Tree falls down, that will go over 150 feet more right. The pines are 60 feet to 70 feet tall out there in the field. You will see the top of it Mr. Scott; about 100 feet or so. There is no question about that. I don't see that as an issue at this point. Your farm itself goes into the view of this last place. So, I don't see an issue right now with it okay. Talking about collapsing, I don't know how it will do with this thing.

Supervisor Edwards states they are made to collapse on itself.

Mr. Harold Timmons states yes.

Supervisor Edwards states like I said, the setbacks are 2.5 times the height of the tower from anything. It is such a safety gap there.

Supervisor West states I can appreciate that.

Chairman Jones states so actually it will not tilt forward it will fall straight down. If the wind is blowing it, it still won't blow it over. It will just collapse.

Mr. Harold Timmons states yes that is the way it is design.

Supervisor West states do you have any knowledge of any of them blowing over; collapsing?

Mr. Harold Timmons states guyed/lattice structure but this is not a guyed/lattice structure. There are some monopoles that have had some problems.

Supervisor West states is this a monopole?

Mr. Harold Timmons states this is not a monopole. This is a three-legged self-supporting structure. This is structurally I think more sound.

Supervisor Faison states the existing tower now that has a Verizon antenna, does T-Mobile own that?

Mr. Harold Timmons states where is that tower located at?

Supervisor West states that tower is to be.

Supervisor Faison states so T-Mobile and Verizon would be on both towers.

Mr. Harold Timmons states they could co-exist together. It is a matter of which one affects the network the best. As capacity and things like that occur, there could be a need for them to be on both or not. It just depends on how their network is designed, and I will allow Mr. Landron to speak to that.

Supervisor West states so Verizon comes before us which is two miles away. Will they go two more miles to pick up this much? That is all that I am saying, and they would have to have customers to fulfill it.

Mr. Harold Timmons states in terms of our construction schedule. If we get your approval tonight we expect to be done with permitting by the end of January. We would start construction in the month of February, and have that construction continue through March and possibly the second week of April.

Supervisor West states help me. If you are a Verizon customer and you have T-Mobile on there can I roam when I come by you? Do I get any boost off of you or what?

Mr. Harold Timmons states that would be a question for Mr. Condyles and Mr. Landron. I expect

that more than likely you won't.

Chairman Jones states any other questions?

Mr. John Scott states can I ask a question?

Chairman Jones states go ahead and ask your question.

Mr. John Scott states I have a question in regards to vegetation. When you looked at the vegetation was it during the fall, winter, or spring because I can look through that vegetation now. During the fall and winter I can see that tower.

Mr. Harold Timmons states well, what I would say is it depends on the type of vegetation. Some of it retains in the winter and some of it doesn't. That is just a part of nature. But expectedly in the winter time people spend less time outdoors than they do in the summer time. So, when you are outdoors you have more of a full row of trees to help block your view. You are indoors during the winter time and doing other things, you are not really pre-occupied with what you see outdoors. That is the only explanation that I can give you. There is nothing you can really do about the trees and what they do and the characteristics of them during the winter time. We don't claim that there will be no visibility but we don't believe that the visibility will be harmful. I do believe that based on my history I have found often times that with the tree area the closer you are to the tower the less you see of the tower because of simple geometry. If there is a set of trees between you and the tower, when you are closer a lot of times your line of sight is obscured.

Chairman Jones states any other questions.

Supervisor Phillips states the height of the tower will not be such that it requires a light?

Mr. Harold Timmons states no. It is 195' with a 4' lightening rod. 200 is the maximum and would require a light.

Chairman Jones states alright, anyone else?

Mr. Ash Cutchin addressed the board. My name is Ash Cutchin and I have a cell tower on my farm in the next county east, Isle of Wight County. I have learned several things in the fifteen years that I have had it. One is eventually Southampton County will eventually get to the point where they will have some type of stormwater run-off management fee. I would advise the property owner, like I am, to make sure if they have to lay any gravel on this 12 foot gravel right-of-way, and Southampton County ever accesses a stormwater management fee because of the gravel, they make sure the tower people get billed for this rather than the landowner. I have gone round after round with Isle of Wight County. I have finally got it to where the cell tower people pay the fee. As far as vegetation there will really be of no consequence whether it is hard wood or pine because it will eventually be harvested and it will be clear cut and you will be able to see all of that tower all year long for a few years. In terms of real estate and property values, in 23 years of appraising, I have tried very hard and some of my colleagues have tried very hard and we were never able to put a value on this case. Some people think bridges are ugly and some people think bridges are beautiful and you may live on one side of the road and look at that bridge all day and think it is ugly and live on the other side and think it is beautiful. There is no way we can measure the value of each case. So, I cannot and I don't think anybody can tell him whether this tower will affect his property value until such time as similar properties sell that can see the tower and several others sell that cannot see the tower and you can measure the difference monetary. Three legs, no firewire, I have never seen one of those before. I thought all of the ones that cut the monopoles had firewire but I trust this gentleman. Normally, I would recommend that you follow the advice of the planning commission and if Mr. Scott is the only person who objects I recommend that you approve it. Thank you.

Chairman Jones states anyone else?

Ms. Catherine Spratley addressed the board. Good evening. I am Catherine Spratley. My property is next door to Mr. Scott and Mr. Diggs. It is closer to Mr. Scott, but if it affects his as far as value it will affect the others too. We are before you get to Mr. Scott. So, I am just saying if you approve

it can you move it further back so it won't be as close to Mr. Scott's house if they are going to put it there.

Chairman Jones states once we talk to them we will find out.

Ms. Catherine Spratley states because like I said it is closest to Mr. Scott but at the same time we are right there and it would affect ours too.

Chairman Jones states okay, thank you.

Ms. Catherine Spratley states thank you.

Mr. Orlando Landron addressed the board. Good evening board. I am Orlando Landron. I am the RF Engineer for Virginia T-Mobile. I want to talk a little bit about why we are interested in the area and why we want this particular location. We did not realize before that the Verizon tower had been in the zoning process before then. It wasn't there when we did our review of the area and we presented this to the property owner. We took a look at it and it was a good spot for us. Route 616, we are trying to connect the Town of Ivor all the way down to Courtland. So, if you wanted to go between those two towns that is probably the most likely route you would take. We have sites that cover Route 460. We have sites that cover Highway 58. A lot of the interior parts of the county are underserved if at all; many have no coverage. When we start looking for locations we try to find spots that don't have any coverage. When we did come aware; Harold let me know about the fact that there was a possibility of another tower within a couple of miles, and tonight's calculation is more like three miles. That site was closer to our network along Route 460 so you could use that but T-Mobile is trying to cover as much of the interior part of the county as possible. It is a 16 mile stretch and we are trying to avoid having to come back to you guys in another year or two asking for another site further along. The site we are trying to build is two to three more miles down the road towards the interior part of the county. That is our reasoning for this application. Do you have any questions?

Chairman Jones called on Supervisor Faison.

Supervisor Faison states when you found out there was another consideration of a tower that didn't have any impact on where you wanted your tower to be?

Mr. Orlando Landron states if it was in the same location technically yes we could use that but that would leave a gap on the western side of the tower. Eventually we would have to come back and try to fill that in. That might be a year from now or it might never happen. It might be ten years from now. It all depends on the traffic in the area; how it grows and the customer support. I am not saying we can't use it.

Supervisor Faison states I am not saying you, I mean there will be a Verizon tower then you will have your T-Mobile tower. When you found out the existence of the Verizon tower, that didn't have any impact on where you would want to locate.

Mr. Orlando Landron states let's put it this way. If the tower was built and already there then we would want to locate on that because it would already be constructed. It is quicker to get it to market. We wouldn't have to get a whole new location and zoning. Yes, if that was already there and obviously built and ready to go then yes.

Supervisor Edwards states if it had an impact you wouldn't be building it.

Mr. Orlando Landron states right.

Supervisor Faison states but what I am saying your location is on this property. The fact that the other one is going to be there that doesn't make it any desire to put your tower further away.

Mr. Orlando Landron states that is a possibility but we don't know... if we knew that than maybe we would move it further out or whatever.

Supervisor West states that is the common sense thing to say because it appears to me we would

have more coverage area instead of two miles, two miles, and two miles; if you could get four miles out of this thing you would have half the number of towers.

Mr. Orlando Landron states the only downside is we have to build two sites. That is a possible issue. It may or may not...it's approved now for us to build now but...

Supervisor West states how are you looking at this thing; from Ivor to Courtland or Courtland back to Ivor.

Mr. George Condyles states he doesn't know. I will explain all of that to you.

Supervisor West states alright so I am a Verizon phone operator and I come riding down Route 616 and when I get to your tower do I roam at that point and pick you up or do I lose service?

Mr. Orlando Landron states if you are a Verizon customer and Verizon doesn't have their equipment there no you won't. You won't roam unless we have an open agreement with them.

Supervisor West states so you are very selective with your customers and then Verizon is two miles away.

Mr. Orlando Landron states none of the other services will roam.

Supervisor West states but you are two miles away so Verizon will not have a lot of incentive to move over that far will they?

Mr. Orlando Landron states I don't know what they... they might look at that location and decide they like it better than what they originally had. That I couldn't tell you.

Mr. Harold Timmons states I would just like the board to keep in mind that Verizon got their approval sometime in 2014 and we are about to go into 2017, and the board had a concern about approval time yet they exceeded that. Now, we come in and we don't see that there is a site there and we placed one in our network so we want the board to keep that in mind. We have a much tighter construction schedule. They didn't build it then and although they have filed now, who is to say when they are going to actually construct it.

Supervisor West states it is quote, in plan review.

Mr. Harold Timmons states that could go on for six months.

Supervisor Edwards states didn't you tell the Planning Commission that you are expected to have this built in 8 – 9 months.

Mr. Harold Timmons states I just provided you the schedule that permitting will be done by the end of January. Construction will start in February and completion by mid-April.

Supervisor Edwards states so we have a tower here that is probably going to be built and we have one over there that we doubt is ever going to be built.

Mr. Orlando Landron states thank you very much.

Chairman Jones states come on up. You have all of the answers don't you.

Mr. George Condyles addressed the board. I don't know about that but I am going to answer what I can. For the record my name is George Condyles. I am the President of Atlantic Technology Consultants. I am your consultant for wireless communication. I am the guy that got this started so if you go to page 22 of my report you should see a map that will explain it a tad bit better. Those are the existing towers and their location in the county; the towers that are there now. As you see, there are eleven towers. This is the theoretical model where the coverage would be once the proposed towers are built. You approved those towers in 2013 and 2014. The approved tower that is two miles away from this proposed tower, Verizon is the first co-locator. It is not owned by Verizon. It is owned by a tower company just like this one is owned by Apex. In the process, I

mapped out where Verizon applications were approved and I found one approximately two miles from this location. I wanted to inform the applicant before they spent more money than they really have to. If you go to the next page, I ran a theoretical model with what Apex would be using with T-Mobile along with a prediction model with the tower that Verizon has not built. The overlap would probably be about 45%. As you head further down south into the central part of the county Route 460 has good coverage and Route 58 has decent coverage. Now, the carriers are trying to reach into the central part of the county. It is all about the data coverage. It is about the children being able to get wireless broadband for school, and people having it for work and distance learning. Are they slightly redundant, yes, but Apex is going to get this thing built. They are going to go and do what they need to do. Verizon has gotten approval but they haven't done much since then. The problem is Verizon has gone through some corporate reorganization so they are slow getting some things off the ground. Apex wants to put a tower in a central location. They are reaching out into areas that don't really have data coverage at all. Hopefully, Verizon will have their tower completed. There are additional slots on the tower. Each platform represents one carrier so there is room for providers like Sprint, T-Mobile, Verizon, and AT&T. Not every carrier will go on every tower. It depends on if a tower fits in an area that the applicant is trying to achieve coverage for their customers. That is why in my report I said Apex should see if Verizon would be interested. When we did their model the non-coverage areas are getting smaller and smaller. The goal is to get data into the house and in order to achieve that you have to work towards getting the best broadband wireless coverage you can get in the county. Right now people have fiber optic cable service in their house and Verizon is the local landline carrier here. There is more benefit of this coming than anything that could be perceived as negative. I believe you are helping and I believe in the network T-Mobile has. I believe eventually, they will be on both towers.

Supervisor West states so right now there is no redundancy because there is no tower built right now. That was a good explanation but still there is a promise from Verizon we expect to be fulfilled.

Supervisor Phillips states seems like this tower has motivated them to pick up their feet on their tower.

Mr. George Condyles states and you don't want to live with I wish I could have in the future.

Supervisor West states is there anything that can be done to take care of Mr. Scott. You said at the Planning Commission meeting that it could be moved. The location wasn't a fixed spot.

Mr. George Condyles states yes and I stand by that.

Supervisor West states do you have more than one spot for that location of the tower. I am trying to help Mr. Scott here.

Mr. Harold Timmons states we haven't discussed moving it from that spot because of the fact that we never saw it as an issue. We don't think there is anything to be gained from it. We did move one on Little Texas Road because that one didn't have any trees. This one has a ton of trees.

Supervisor Porter states I also think any further movement would add significant cost to the project.

Supervisor Edwards states there were two applications that came in. They got together with the other gentleman and moved the tower.

Mr. Harold Timmons states they were two different sites. That one site had no trees and this site has a lot of trees. If it was positioned in the same factor we would have taken the same stance. It is about 400 feet from the nearest owner. It is not the greatest site to everyone but it is fair.

Mr. Orlando Landron states where are you talking about moving it to?

Mr. John Scott states straight back.

Mr. Orlando Landron states well as far as safety is concerned that distance would help but you

would still be able to see it.

Mr. John Scott states maybe not as much though.

Chairman Jones states even if that could happen, I don't think you can move it anywhere on the property that you wouldn't be able to see it.

Mrs. Beth Lewis states should there be a weather event the tower would fold on itself.

Chairman Jones states are there any other comments?

There was no response and the public hearing was closed.

Chairman Jones states what do you say board.

Supervisor West made a motion to accept the Planning Commission recommendation and approve the Conditional Use Permit with the stipulated conditions.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states let's go to number eleven, Resolution in Support of Taxation by Counties on the Sale of Cigarettes.

Mr. Michael Johnson states number eleven, Mr. Chairman, is a resolution in support of amending Section 58.1-3831 of the Code of Virginia, providing all counties in the Commonwealth with statutory authority to levy a local tax on the sale of cigarettes. In your agenda packages you will find correspondence from the Wythe County Board of Supervisors seeking your support in requesting the General Assembly to amend the Code of Virginia by providing all counties with statutory authority to levy a local tax on cigarettes. Attached is a resolution of support for your consideration.

Supervisor West states I have had an opportunity to read it. I think it is a long shot but would like to move forward with it. I make a motion to adopt the attached resolution.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states let's go to item twelve, 2017 Organizational Matters.

Mr. Michael Johnson states item A is the establishment of the organizational meeting date. Section 15.2-1416, Code of Virginia, requires each Board of Supervisors to meet at a public place in January each year to organize itself by electing a Chairman and Vice-Chairman and setting the days, times, and places of regular meetings to be held during the ensuing months. The employee holiday schedule for the coming year is typically adopted at the organizational meeting as well. With some exceptions for years immediately following election of the Board, organizational matters have typically been deferred until the regular January meeting on the 4<sup>th</sup> Monday. If you would prefer not to have a special meeting simply to resolve organizational matters, a motion is required to establish Monday January 23, 2017 at 6:00 p.m. as the annual/organizational meeting. Otherwise, a motion will be required to establish the date and time for a special organizational meeting by the Board.

Supervisor Edwards made a motion to establish Monday, January 23, 2017 as the date for the 2017 Annual Organizational Meeting.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states item B.

Mr. Michael Johnson states item B, Mr. Chairman is the January Holiday Schedule. Since the Board chose to defer organizational matters until January 23, 2017, a motion is also required to establish and set aside three legal holidays which will occur prior to the Organizational Meeting. Those holidays include Monday, January 2, 2017 for New Year's Day (observed), Friday, January

December 19, 2016

13, 2017 for Lee-Jackson Day, and Monday, January 16, 2017 for Martin Luther King, Jr Day.

Supervisor Edwards made a motion to fix and set aside these three holidays for county employees.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states let's go to item C.

Mr. Michael Johnson states item C is the draft calendar of holidays and meetings for 2017. In your agenda packages you will find a copy of the draft calendar for 2017 illustrating holidays and meeting dates. You will be asked to consider adoption of this calendar at your organizational meeting.

Chairman Jones states any late arriving matters.

Mr. Michael Johnson states I have a few miscellaneous items to report Mr. Chairman. Item A is the Statement of Economic Interest. At your places this evening is a copy of the latest Statement of Economic Interests form which must be completed and returned to me no later than close of business on January 17, 2017. They have now gone back to an annual filing requirement for local officials. Forms are typically due by January 15<sup>th</sup>, but because the deadline falls on a weekend and January 16<sup>th</sup> is a state holiday, filers have until Tuesday, January 17, 2017 to submit their forms. This form is for all economic activity between January 1, 2016 and December 31, 2016. Notwithstanding the fact that each Board member filed a Statement earlier this year reporting activity through April 30<sup>th</sup>, filers may not exclude information already reported in June, and must report the activity again. Please note that filings may not be dated or submitted before January 1<sup>st</sup>. As you may recall, I'm bound by statute to report any late filings to the Commonwealth Attorney who is also required by statute to assess a \$250 penalty to all elected officials who fail to submit their forms on time. Please complete and return the form no later than January 17, 2017 to avoid the penalty. Item B is the Atlantic Coast Pipeline update. In your agenda packages you will find a copy of the Atlantic Coast Pipeline Project update. FERC is expected to publish their Draft Environmental Impact Statement (EIS) sometime this month. There are copies of environmental notices and foreclosure notices as well as correspondence received throughout the month. I will be glad to answer any questions.

Chairman Jones states any questions? Any late arriving matters?

Mr. Michael Johnson states no sir.

Chairman Jones states does any member have anything to come before the board? If not, meeting adjourned.

There being no further business for tonight the meeting adjourned at 8:15 p.m.

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Dallas O. Jones, Chairman

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Michael W. Johnson, Clerk