

**Buckingham County
Board of Supervisors
And
Planning Commission
Work Session
May 16, 2011**

At a joint work session of the Buckingham County Board of Supervisors and Planning Commission held on Monday, May 16, 2011 at 7:00 p.m. in the Agricultural Center; the following members were present: E.A. "Bill" Talbert, Chairman; F.D. "Danny" LeSueur, Vice-Chairman; John D. Kitchen, Jr.; Joe N. Chambers, Jr.; and I. Monroe Snoddy. Dr. Brian Bates and Danny Allen were absent. Also present were Rebecca S. Carter, County Administrator and E.M. Wright, Jr., County Attorney.

Those present with the Planning Commission were Cassandra Stish, Vice-Chairman; Henry Hagenau; James Crews; Patrick Bowe and Alice Gormus. John Bickford and Royce Charlton were absent. Also present was Rebecca Cobb, Zoning Administrator.

Re: Quorum Present

Chairman Talbert certified that there was a quorum, five of seven members present, and that the meeting could continue.

Re: Approval of Agenda

Supervisor LeSueur moved, Supervisor Kitchen seconded and was unanimously approved by the Board to approve the agenda as presented.

Re: Planning Commission Quorum Present

Vice-Chairman Stish certified that there was a quorum, five of seven members present, and that the meeting could continue.

Re: Planning Commission Approval of Agenda

Commissioner Gormus moved, Commissioner Hagenau seconded and was unanimously carried by the Commission to approve the agenda as presented.

Re: Call to Order, Invocation and Pledge of Allegiance

The meeting was called to order by Board of Supervisors Chairman Talbert and Planning Commission Vice-Chairman Stish. Commissioner Gormus gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Presentation by CityScape

Mrs. Cobb: Tonight we do have CityScape here and I'm just going to turn it over to Susan Rabold. She helped us with the ordinance. Tonight she is going to be talking about things that the Planning Commission and Board of Supervisor's need to consider when we are approving or denying cell tower cases.

Susan Rabold: Good evening. So the task tonight is to review what the Telecommunications Act allows local government to do with regards to approving or denying tower requests that come before you in a public hearing format. Not the one's that are administratively approved, but ones that you have to vote on. Some of this is going to be a bit of a refresher of when I gave the presentation a couple years ago, but I think it will help refresh everyone's memory. Or if you weren't here that night that I did the presentation, it will get everybody on the same plain of understanding.

So the Telecommunications Act of 1996 added Section 704 which is specifically about the regulation of wireless telecommunication in the 800 and 1900 megahertz frequency. Those are the frequencies that the government has set aside for your wireless telephone devices to work. The Telecommunications Act says that you have to allow the deployment of all the wireless providers. Say you can not say that we have plenty 800 megahertz providers with facilities and then tell a 1900 megahertz provider that we've already got a tower and their service isn't needed. You have to allow all the service providers. You've have two service providers in the 800 megahertz and you've have five service providers in the 1900 megahertz, however there is a little bit of overlap. So there's seven total that are technologies but like AT&T has 800 and 1900, so there's really five in the playing field right now. There could be seven but the other two haven't started deployment in the area. Each of those service providers...they compete for the subscribers to their service and the Act allows all of them equal access to build out their network. So your ordinance has to allow that, which it does, that's what all our amendments have been about recently, and the Master Plan was all about, but your voting decisions also have to reflect that. You have to act expeditiously on requests so when a request comes in it can't be tabled indefinitely. You have 150 days to render a decision and I'm going to get into that a little bit more in a few moments. You have to treat each provider equally. So you may recall the 800 megahertz providers, their signal propagates it...it broadcasts out a much greater distance. The 1900 megahertz broadcasts a much shorter distance, almost half the distance of the 800, so if you are thinking about how the grid gets put out, you may need eleven towers for 800 megahertz, but you'd need almost 33 for 1900 megahertz. Which explains why they have to be every few miles together or from each other because of the way that signal works in that frequency. So again, it's

very specific about providing access to functionally equivalent services. Your zoning standards that you put in place can not supersede the federal guidelines, which they do not.

Here's the one I'm going to spend more time on, when you make a decision especially on a denial of a request, you have to provide a written reason on the reasons for the denial. Specifically that denial is addressed in a subsection of Section 704 and it verbatim says; "Any decision by a State or local government or instrumentality thereof to deny a requests to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record." And there was a lawsuit with BellSouth Mobility in Gwinnett County that tested this and the court ruled that it had to...that...Gwinnett County denied the request did not meet the standards of the section 704 that required the denial to be in writing based on substantial evidence and so they overturned the denial and gave the tower company or BellSouth an approval over what Gwinnett County had decided. Just a little bit of information, you know we rely on; unfortunately, we rely on these lawsuits that come up nationwide to help us understand the interpretation of the Telecommunications Act. So we learn by other communities mistakes on mistakes not to make with other local governments. So this BellSouth Mobility was the testing grounds and basically the court said the traditional standard used for judicial review of agency actions has to be the substantial evidence. Now in talking with Rebecca right before the meeting started, your...you have in place already through the Board of Zoning Appeals, a process when a case comes through for developing or finding the fact to substantiate an approval or denial. This is very parallel to that, in that if you don't have this evidence as to why you have denied the request, it opens the door for a legal opportunity to take your case to the higher court to get the decision overruled. It means that you can not arbitrarily turn down a request based on neighborhood response or adjacent property owners. There has to be some form of substantial evidence. Now what is meant by substantial evidence, well in the Sprint Case against the hearing board of Willistown, it came out that substantial evidence is "relevant evidence as a reasonable mind might accept as adequate to support a conclusion". And so you have to be able to say well, I'll get to that in just a moment. Then there was another case with Omnipoint against the Village of Fox Lake, from that case came out that generalized concerns from opposing parties would not be considered substantial evidence for an unfavorable decision against a personal wireless provider. So that's where you get into this differentiation between generalized concerns versus hardcore evidence or arts of reasoning.

Now what's meant by "Written Decision"? The written decision means that you have to provide a comprehensive written decision including findings of fact and conclusions of law tied to the record, which would facilitate court review if a decision is appealed. So it means that if you turn down a request you have to provide logical reasons based on compliance with your zoning standards, based on public health and safety, property values and public necessity. These are all sorts of reasons that you can form your opinion around to deny a request. It can not be because potential future may not require towers anymore. That's almost like hearsay versus concrete evidence.

So when you look at your zoning, you really have very good grounds to make decisions because when we made...when we went through and made the amendments we wanted to make sure that

you had sort of a check list of things that you could formulate your decisions on. The first thing that you have in your ordinance is that you are trying to address allowing deployment by all providers. We were real meticulous about that. You are trying to facilitate collocation. You are trying to minimize the impact of wireless communication facilities. So, these three, these first three is sort of like your starting point. You look at your hierarchy. Do the tower owner or the request; is there a possibility for collocation in the vicinity? If there is, and they have not explored that opportunity to its fullest and we know that the tower has structural integrity and can support a collocation, if we know there is enough ground space but yet they still want to build a tower within the same search area of an existing tower, well you can deny that because your ordinance clearly states in the hierarchy a desire to have collocation over a new facility and so you would use that as your starting point in your decision basing, basing your decision. Minimize impact of the communication facilities: we worked to make sure that your public lands, remember you looked at your public lands and helped decide whether you want a monopole here, a concealed site here, we want 125' elevation on towers in these areas, we'd go up to 199' in these other areas. That's part of your basis for comparison for your new site when they come in and are not on government property. We also made several references in the existing ordinance to growth management plan, or comprehensive plan, so that there was a connection between the goals and objectives of the comprehensive plan and the ordinance. You can bring all those in as a layer of decision making when you are looking at towers. So, let's say someone came in and they wanted to put in a tower not on this property but say a ¼ mile down the road and they are requesting a 199' monopole, well that ¼ mile will probably still be in the same search area of this property and your ordinance has in there that for a facility to go on this property it would need to be a maximum of 125', and it would need to be concealed somewhat like a flagpole. So if they came in and said we don't want to go on this property, we want to go on this one and we want a 199' site, you would have grounds for denying that because you would say well, within this same search area this is what we've agreed to. You can build your argument for denial on that. But if you had someone who was requesting a 199' facility out in more of your rural areas, and it was just not wanted by the neighborhood and you didn't have any grounds for that because like at your landfill site which is in a more rural area you are agreeing to a 199' facility, that characters as consistent, you would have a hard time if they showed you that they needed the facility there, to just say no. Because your ordinance isn't set up that way. You do not have those grounds. So you need to use your ordinance that you have in basing your decisions for your denials.

Some other types of findings of fact are: will the special use be a detriment to the character of the area. I addressed that just now with the types of structures agreed to permit. I'm not going to go through all of these because you can look at them but one of the ones that is a really hard one but it is something that you may come across and it comes up frequently especially when the neighbors don't want a facility in their geographic area where they live, is this third one: Proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. Now you will hear that a lot, but you have to have evidence of that. You can't take someone's opinion as being fact when they say it's going to damage my property values. This particular bullet has not been tested in courts. I have you references on the other slides, you know, with Omnipoint and BellSouth, of cases that have come

before the court system as a basis going forward with other clients. This particular one has not and it is very, very hard to prove this item. We've been in plenty public hearings where the neighborhood has brought in an appraiser and the appraiser will try and demonstrate a decrease in property value somewhere because of the tower. At the same time though, we've had the industry when they hear someone is coming in bringing in their appraiser, they'll bring in their own appraiser who will find where property values have not been influenced by the tower. What they will do is bring in pictures and show a tower from someone's property and homes around it and show that the resale value of those homes was not lowered at all because of the tower. So it's a real tough one to try to build an argument around. I would encourage you to try and stay clear of this one because it's not been tested in courts and it's a matter of opinion really. What bothers one person astatically may not bother another person astatically. I may be partial to blue and someone else may be partial to pink and that's just a sense of opinion. The same is in the tower. What we are finding actually is that in some communities where we work they are in such dire need of the infrastructure they are at the point now where they can care less. They just want the infrastructure. So they'll stand and say I don't care, put it on my property because we want the signal. Then someone else will say, it's going to make my property value go down and someone else will say, no it's going to make it go up because now you're going to have signal in this area whereas before you didn't. And people are starting to put a value on having wireless internet and wireless phone service in their geographic area. We are seeing that a lot actually in industrial and business districts and institutional areas where you've got colleges and universities, community colleges. Having that infrastructure is a value. It helps bring in business because they have the infrastructure whereas when they don't have that infrastructure, it's a detriment. I bring this up to you because that is the sticky wicket. When you look at all these examples in findings of fact, that one is the sticky wicket. I just encourage you to try and build your argument of denial if it comes up on some of these other thought processes and your ordinance.

Now late '09, FCC made a declaratory ruling, now this is different than the Act in the sense that the Act is a hardened fast, concrete, in writing requirement. The Declaratory Ruling is not part of the Telecommunications Act, but is a subsequent layer of administrative process that they have added to the base line of Section 704 but we still have to follow it even though it's not in Section 704 of the Telecommunications Act. What was happening was the industry was running into situations nationwide where their requests were not being heard in a timely manner. If you think back to the first slide I talked about there was the...I mentioned that you have to act expeditiously on the request. You can't let a request linger for a long time and I made reference to 150 days. Well, basically what this is, it's called the Shot Clock, that's what the industry calls this, is that now, nationwide, you have 30 days from the time a request is filed to identify whether the application is complete or incomplete. Then you have 90 days to render a decision for collocations, and that's not really an issue for you all because you have a real quick turn around time, but some local governments were taking collocations to public hearing because they were trying to limit infrastructure in their community. This is why the industry petitioned the FCC to make this ruling so they could get through some of the bureaucracy that local governments were trying to put up to keep the industry out. Then the third one is that you have 150 days to make a decision for new towers and that 30 days is part of this 150 days. This was a

concern on the recent request with Verizon that came through, because they had come in and met the 30 day process and then at some point they went in and had the trees removed from the site and it caused a direct relationship on the opinion that had been made because the character of the site had been changed so much so there was a reconsideration period. There was a new or another hearing that was added and you were real borderline with this 150 days which is why at that hearing had to make a decision because if you didn't and you went into the next month, you were going to be behind this 150 day time period. So what happens if you go beyond that 150 day time period, well it doesn't mean that the case is automatically approved. That's the good thing. What it does mean though is that it gives them, the applicant, the opportunity to take the case to the courts to make the decision rather than you make the decision. You really want to avoid that. I don't think that, I shouldn't say that, its hearsay, I don't think Verizon would have done that because in that particular case I think you had a real good paper trail as to why there were delays in the decision process. Because part of that was on the part of the property owner. So I think in that particular case I think there's a little wiggle room and I don't think Verizon would have taken it to the courts.

Commissioner Bowe: It wasn't a few trees; it was all of 40 acres.

Susan Rabold: Yeah, it was huge. I realize that.

Commissioner Stish: Would we have had, in your opinion, grounds to have potentially throw the application out? It was so substantially changed, have them start the clock back over again.

Susan Rabold: That's what I recommend. If that happens again, I think, in hindsight, reflecting on it, it's always easier to make that sort of decision when you look back on it, when you're in it you are trying to be accommodating and you are trying to work it through and see, but having the time to look at the situation, probably if something like that happens again, I'd just deny it and make them come back through and go back through it again. I'd just tell the industry, you've got this 150 shot clock that you wanted, you petitioned for and you got it, now we are forced to have to do this otherwise we will run amuck with this 150 days and just let them see the trouble, the conflict they've caused themselves I think by doing this. There have been plenty of instances where a case should go longer than 150 days but you're sort of stuck at the point of having to make a decision based on this ruling.

Commissioner Stish: Could they have given on the record an opportunity to say you can go over potentially with reconsidering this application or have them go in the record saying ok we'll take an extra month or you have the option of throwing the application out and making them start over? That one was so substantially changed. It was so ridiculously altered. I even said that on the record that this is not the same application anymore.

Susan Rabold: That's a good question and CityScape doesn't like to give out recommendations or suggestions without having some sort of case supporting case to rely on and so I just, I don't know, maybe if you want to look at doing something like that in the future maybe work with your attorney and their attorney to have it in written form on company letterhead, notarized, that

some sort of agreement not just stated at the public hearing because a lot of times, the person at the public hearing doesn't have the authority to make those types of decisions on behalf of the company that they are working for.

Supervisor Talbert: Based on what you've been saying here then, you've got the tower going here and you've got the adjoining landowners, the same case you just talked about, if there's a 163 names against that tower, none for it, does that have any bearing on it?

Susan Rabold: No.

Supervisor Talbert: Basically they just wasted their time and wasted ink signing the petition.

Susan Rabold: Unless you could go back to here and talk about the compliance with the zoning, harmony of the area, maybe the reason they are in opposition to it is because it's in the middle of a view shed, or maybe it's near your pedestrian pathways that you refer to with the bike trails and you have grounds for that because you've got a, I think in the ordinance, a 1500 feet that they have to identify certain physical characteristics and so if they are in that radius of some of those areas that you are paying particular attention to, then you can formulate an argument around that. Because you've got some character or harmony or aesthetics kind of issues but if it's that they just don't want it and the industry shows you and we can validate that a facility is needed here, it shows in the Master Plan that a facility is needed here, there really is no grounds to deny it because you have to allow the industry access into the community.

Supervisor Talbert: I wish the tower company would do the same thing as the light company. Not a person in Buckingham County that doesn't have accessibility to electric or telephone but we do not in Buckingham and some other counties across the State of Virginia have access to cell phone. When I get in my house, I might as well throw the cell phone away. Now, I'd love to have one, I've got the ok and everything but why won't the cell tower people make it accessible to all the people, it's probably 250 homes in a 5 mile radius but they won't put one there. I've talked to them and talked to them and they won't talk to me.

Susan Rabold: It's a business decision right now because it's so rural.

Supervisor Talbert: Well they want to get it out there and it's not quite fair to the people in the rural area. I think when the county, this is just hindsight, when they let them start coming in here, they should have had a ordinance that they would have to adapt to all the people in the county and not just a few.

Commissioner Stish: You have to build the infrastructure first.

Supervisor Kitchen: Mr. Chairman, you see what this lady says, they hold all the cards. They come where they want to, when they want to and how they want to.

Commissioner Stish: That's not entirely true.

Supervisor Kitchen: Pretty much. 99% true. I've done seen it.

Commissioner Stish: We do have some, the reason they are showing up on 15 is because that is where we said we needed them for 911 and industrial infrastructure.

Supervisor Kitchen: They don't have to play by the same rules as the Board of Supervisors. Right?

Supervisor Talbert: That's the way I see it.

Commissioner Stish: We have a little bit of room. We have some things that we can sigh about. We worked hard with this applicant, I don't know if you even know that. When they first came up with us, it was a tall tower, it was 100' shorter by the time they...

Supervisor Kitchen: I use cell phones all the time. I'm not against cell phones. But the fact of the matter is, in some cases that I know of, they go out and sign a contract with them and its 2, 3, 4, or 5 years before they do anything or do nothing. What they are doing in my opinion is tying up sites. That's my personal opinion.

Commissioner Stish: We put a time limit on them now.

Susan Rabold: The State of Virginia actually is the one that prolonged that opportunity for them to have extended length on those approvals because a few years ago they grandfathered those applications and said because of the economy they gave an additional four years and so all those applications that would have expired got an additional four years tacked on to them through Virginia State Legislation.

Supervisor Kitchen: They go out and talk to the people to get a contract with them and the people are looking for the income but I know of one case, I think it's a five year and they opted to renew again for another nine but they are going to pay so much per month but that is after the tower is built. But they've got a five year contract that it's sitting right there and nobody else can touch it. Monroe, your brother, son had one the same way right?

Supervisor Snoddy: My son. Yeah, that's right.

Commissioner Hagenau: I don't know if Supervisor Kitchen is running this with his real estate business but I have some friends that were shopping for a house, the first thing they do when they get out of the realtors car is open their cell phones and if they don't get a signal they get right back in the car. They are just not interested.

Susan Rabold: See that's a good example as to why you have a hard time proving value of properties for that very reason. That's a very good example as to why you stay away from the value of property reasons for denial.

Commissioner Stish: And health right? Health is the other one.

Susan Rabold: Right.

Commissioner Hagenau: Under health, personally, Saturday afternoon, when I was laying on the ground in front of my shop building, I couldn't get out. I kept trying to dial out, I only had one bar on the phone and I could not complete a call. I don't know if the wind shifted or I rolled a little bit or something but I got two bars and I was able to get a call out.

Commissioner Gormus: You could've text.

Commissioner Hagenau: I couldn't complete anything. It just kept dropping out. It said it was dialing but it wasn't dialing it would cancel the call. I could be lying there now because I haven't anybody on my property since Friday.

Supervisor Kitchen: I can give you another example of that, about a ¼ mile from my house is a cell tower, well, when I go a ¼ mile from my house, my cell phone will go on roam. Is that service?

Susan Rabold: Just because there is a tower there doesn't mean that your service provider is on that tower which is why you may go...

Supervisor Kitchen: I agree with you there, but I'm talking about they said oh yeah we are going to allow the other carriers to go on there, I think it was ALLTEL, they were going to allow US Cellular but they didn't.

Susan Rabold: They just haven't applied.

Commissioner Gormus: You might want to speak on the issue of the difference of the megahertz too. It sounds like it's kind of confused.

Susan Rabold: The industry operates on two different frequencies and that's the 800 Megahertz and the 1900 Megahertz. Your 800 megahertz signal in this area will propagate about three miles. Because of your topography it not necessarily going to be an exact three miles. If you have a dip, you may not have the signal down in the dip but only when you come back up. If you have a knoll, you may not have anything on the other side of that knoll once you get over the ridge line because the signal has to travel by line of sight. If there is an object in between the line of sight, between the two sets of antenna then you are going to have a loss of coverage. The 1900 Megahertz operate...in that frequency signal is clearer, however, the distance is only about two miles. So when you start seeing your applications for towers, its almost going to be 1900 and they are trying to fill in, it's going to be almost every 2 to 2 ½ miles and right now you've got a sleuth of applications on the horizon. I've been working with probably eight applications or nine applications for new towers that you are going to start seeing. They are almost 2 to 2 ½

miles to the measurement apart from each other. That's just laws of physics that the signal can not propagate beyond that for 1900 megahertz, it can not.

Commissioner Stish: How's our ordinance holding up with those? Does it seem to be responding favorably to what we've done?

Susan Rabold: Yes the ordinance is working well. I think we are going to talk about a little bit later about when we did save and except for the ordinance, we lost a few things, a few fragments of sentences and we need to fix those, but as far as the development standards themselves, I think it working really well.

Ok, so there are two things that you have to be very careful about as well, when you are looking at the request, you can not make any sort of ruling about lighting of that tower if the FAA or FCC said that it has to be lit. If they provide documentation from either of those agencies and it says that the tower has to be lit then you have to allow the lighting of that facility. Now, typically, towers under 200' do not have to be lit. There are instances where they may, perhaps it's on the ridgeline, could be near a landing strip and those would have to be lit, but the reason why we capped the height of the tower, we are working to cap the height of the towers at 199', now they can come in a request a taller facility but they have to have all kinds of evidence for that, but to cap it at 199' is to prevent having to have them lit countywide. You can request a dual lighting system which is a white strobe by day and red strobe by night but if it has to be lit, you have to allow it. The other thing you can not regulate or turn a request down is based on frequency, harmful emissions from the antenna. I know that that came up in this most recent public hearing. The FCC has indicated that the radio emissions, radio frequency emissions which is also called RF, radio frequency emissions are non-ionizing. They are not ionizing radiation, it's non-ionizing. So it doesn't change the molecular structure of your cell. X-Rays do. This does not. Also the World Health Organization has done an independent study and that independent study supports that worldwide, the emissions from these towers are not harmful not only to humans but also to animals and birds. It's not harmful to wildlife. A week or so ago, I came across this article from the American Cancer Society where they have come out and made a statement that these facilities are not harmful to humans. The emissions from these antenna are not harmful to humans. So you can not base a denial off of those two items. If you do you are opening yourself up for litigation. Because the industry can then go to the next level of court and apply to have your decision revoked because of denials based on either two of those. So if the whole community in the geographic area of the tower come out and say, "We are worried about the effects of this tower on our children, on our livestock, there's not enough information..." there is a lot of information. The FCC, the World Health Organization, the American Cancer Society...but the bottom line is the Telecommunications Act specifically says that you can not deny the request based on that concern. Period. They can present material and try to persuade you for hours that it's going to be harmful but can't turn a request down on that because the Telecommunications Act specifically says that you can not do that.

So again, what can be regulated, all these things that we have up here as bullets are addressed in the ordinance. We've talked about public health and safety in terms of set backs. You have

landscaping, you have height, you've talked about your infrastructure type. You know, you've ruled out certain types of towers. You want the monopole versus the lattice and the guide tower so you can refer back to the infrastructure type. You've got siting strategies through the Master Plan. You've got setbacks, you've got collocation preferences. You've got requirements for fencing. You've got geographical particulars that you've cross referenced with your Comprehensive Plan and all of your denials have to be based on something in your ordinance and Comprehensive Plan. It's all tied together.

Are there any questions? I can expand on any of this further.

Supervisor Talbert: Basically, the way I'm looking at this thing now, you don't have any denials in Buckingham County, period. The only hope you've got is if this landowner don't want it and this landowner is trying to get \$1000 or \$500 a month to put a tower on there, that's what's it's all about, in his heart he can say well I don't want to upset my neighbor, so he don't allow them to put it on there. We don't get to say so from the landowner, the tower is not going on it. Right?

Susan Rabold: Well, the example was raised earlier when I talked about that tower that yall just looked at. When that request first came through, it was for a 295' lattice tower and based on the ordinance, and it came in before the ordinance was adopted, so really because the new ordinance wasn't in place you would have had to look at it under the old ordinance requirements. But we were...Rick with CityScape, was looking at that site application, and we kept telling him, well the community is really looking at 199' because they don't want it lit, they really want a monopole, and so they took that into consideration. The other thing too is because, I don't know if you remember or not but CityScape did a propagation analysis and it was a comparison of 199' propagation analysis compared to a 250' analysis and there is virtually no difference because of your terrain and we use that as a justification for trying to cap the towers at a 199'. So you know you can use that as evidence. I remember sending Rick those propagation maps and he sent them to the RF engineering and said look you are not going to gain anything by this extra height so we are going to say that in testimony and it got them to bring the height down to 199'. So you have tools like that should someone come in and say no, I want this and we are not going to change our design, we have tools we can use to turn down a request.

Commissioner Stish: We also have the Master Plan for where they are supposed to be and unfortunately they end up in situations where they end up in neighborhoods where some people don't want them but they really need to be there, because it's a necessary hub for the infrastructure to be built. Right now we are trying to build the bones of the entire infrastructure and it can infill later but right now we need the basic skeleton. That is what we are trying to get and I feel really good about our ordinance being rewritten the way it is. It's going to lend a lot of guidance. I think the applications that we are going to see are going to start to make more sense. They are going to see our map and see where we want it. They are going to go the path of least resistance guys. We've set it up in such a way with the hierarchy that there are some tower opportunities that are almost by right. You know, there are collocations on towers that are

already existing, there are hidden, it's easy. So we've provided those things. Low hanging fruit so to speak.

Commissioner Gormus: And there wasn't any county owned property down there.

Commissioner Stish: Right, there wasn't any county owned property down there.

Supervisor Kitchen: Is there any towers out there in the Yogaville community?

Commissioner Stish: There was one that was supposed to be built on the Kidd property on Rt. 56, just outside of Yogaville but I don't know if that is going to happen. I think it's been pulled.

Supervisor Kitchen: I think it is.

Mrs. Carter: Mary said they were getting money.

Commissioner Stish: There was some talk of a tower on ...

Mrs. Carter: It was on her son's but Mary said they were getting money for it.

Susan Rabold: When CityScape reviews the request one of your guiding factors will be, if Rick makes the determination of what they can file, that it's consistent and it's needed, he'll tell you that. But if he comes back and says no, there is something wrong with this he'll give you grounds for turning something down from an engineering prospective and that's going to have a lot more credibility to it than hearsay. For example, there was an application filed recently and Rick kept coming back to me saying they are missing this document, they are missing this document...I kept going back to them saying I need this, I need this. They kept sending me other stuff and then when it came down to it, we've got a problem. That's why they couldn't supply that document. They may not be able to come through now. They haven't done the balloon test for, or they are getting ready to do it, oh, they just did it. That particular site has a problem. The reason why they weren't able to provide this information to us is because they don't have it. The ordinance requires certain documentation to be provided and if they don't have it then it's an incomplete package. So, you know, working with Rebecca I think they will be hard pressed to send something through that is incomplete and doesn't address the concern upfront. Then just to share something with you that we've put together, which I think has helped a lot as well. When each person comes in doing site acquisition or looking for a site, Rebecca has some of these packets that we've put together and I've sent out probably ten, to existing infrastructure owners throughout the county and people looking for applications. This is a zoning packet of information just on wireless telecommunications. It starts out with an introduction with goals and objectives and then it's followed by your zoning ordinance, and there's a map beyond that of your future land use plan. Theirs is in color, mine is in black and white. So they have these tools. They are also given a copy in this packet of all of your existing infrastructure. There's a map, assessment pages of all the towers and they are all recent pictures. I redid a lot of the pictures to show any change on the site. They are given all this information

upfront that says, ok, here's the ordinance, here's a copy of a map that shows where all your existing facilities are. Here's what they look like and here's an FCC cross reference so they can look up more data. If they are going to apply for a site, it has to be outside of where those are, or if it is in that area, they have to show why they can't collocate on it. That is followed by an approval process and timeline calendar that shows them stepping stones of what to do to get a case approved. Followed by the forms for zoning permit, special use permit, building permit. Then after they've gone through all of that, if they have any questions we try to answer them or get answers from Rebecca and share it with them. If they have anything that's not consistent with this, we are not going to look at it until they are consistent with the materials in here. And some of the reason why you haven't seen some of those other eight applications come through is because they've been given this material and they've got more homework to do on their cases before they bring them in. So I think what you've got in place now, is very good frame work. Just going forward, you will need to make sure that decisions rendered are consistent with the Telecommunications Act and your ordinance.

Supervisor Talbert: I think still, what this thing is doing is putting pressure, not only the Planning Commission but more so the Board of Supervisors. Now we are sitting up there and the public hearing comes up and we've got all these names against it and everything and the way it happened on the other one, it tied and when it ties the motion is dead. I don't know what you do in a case like that but anyway I guess they take you to court and say you need somebody to change your mind. Two of us did change our mind, I wish I hadn't now, but anyway I did, but the point of it is it puts pressure on this Board right here, we don't know what to do. I mean if you say yes you're wrong, if you say no you're wrong. You're wrong either way you go. Now they are going to do a balloon test Friday, I was planning on going to it. What's the use doing a balloon test? It's not going to amount to anything because they can't turn it down anyway. Sight, sight, a balloon test for sight, are you going to be there or not?

Mrs. Cobb: It was actually last Friday and I was there.

Supervisor Talbert: It was. Ok. I thought it was this coming Friday. I missed it.

Mrs. Cobb: It was last Friday. And that does let us see where we can see this and so just like our Comprehensive Plan, if we have something like a historic area, like here, and someone is doing a balloon out somewhere else, and I drive here to work and everybody is at the building saying oh I can see the balloon, then we know that no, that is too tall for this area because we are trying to preserve the historical look and feel. In which case you can decide to deny that tower flat out as what they are proposing or we can work with the tower company if we think service is needed in that area where they've got the tower and get them to lower it or redesign it or something like that so it will blend in with the environment. I think one thing Susan is saying is, you know, a lot of the cases that are going to come forward, you are not going to be able to deny, and that is more so because they are already doing the work for us. When these applications are coming in and they don't meet the requirements, they are telling these guys that they are not meeting the requirements and so they are going away. Whereas, before CityScape was here,

we'd have to see every single case and figure this out on our own. They are doing a lot of that work for us and weeding out the really bad ones and make sure the good ones do come through.

Commissioner Stish: Like she said, when it comes forward from CityScape to us, it's usually coming with a recommendation of some variety. Whether it's to deny it based on this or that, because it's not needed or doesn't meet requirements or they are deciding to push it through anyhow. Or if you guys have decided that it does fit our plan, it is needed in our area and it upholds our mission of our ordinance and the build out of our infrastructure. We need to have that, we need to have our infrastructure built out to be able to be attractive for economic development, attractive for our young people to stay here, for a variety of reasons, our 911 response and things like that. So, I think we read...our ordinance having been redone by CityScapes weeds it out and it's guiding these applications to be where we want them to be already. So what happened at this last hearing, all we really had to do, Mr. Talbert, is say to, I forgot the woman's name that was so concerned, Mrs. Ott, you know, I heard her, I felt, you know, I understood her concerns and I felt bad for them but I was not able to really address them, I felt that we were addressing the health concerns because we were supporting the E911 build out which is very much suffered in that area, and we needed to have responders there. So sometimes it's a matter of making a finding, making a statement to our public just to educate them about the situation they are in. I hear you all, I hear that you don't want it; the FCC has dictated that we have to have it. We do need the infrastructure; this is the best place for it. You know, sometimes that's just the way it is. It's a bad situation.

Supervisor Talbert: At the same time, we are elected officials, y'all are not. So the burden lies on us. But at the same time, you've got 163 names of people who say they don't want it, so who's going to rule. Is the 163 names going to rule against three people, the Board of Supervisors or...it just don't make no sense that you have a public hearing that's not going to do no good. You are wasting those people's time. We had a public hearing, not a sole spoke for that tower. All spoke against it. But yet, by law, from what you've told us here tonight, it had to be built. So why have the public hearing. Why waste their time. That's the whole thing in a nut shell. It's a law that's misleading the people. You mislead the public. The public think they have a right, we sign a petition with a 163 names, two board members are on it because it ended up in their districts, but it didn't amount to nothing.

Supervisor LeSueur: One of the issues that I've got, Bill, it could be contrary to what you are arguing.

Supervisor Talbert: I'm just making a statement.

Supervisor LeSueur: I'm going to make one as well, a week or two ago we had a meeting and said we were going to have a work shop in regards to cell towers, ordinance and how many people do we have from the public here tonight to hear about what this telecommunications act is about and what they need to know.

Supervisor Talbert: Can I stop you right there? We didn't spend a dime to tell the public about this meeting. We spend all that money in great big ads in local papers that we are having a public hearing on this, that and the other, nobody knew it. The public didn't know it. I don't say they would have been here.

Supervisor LeSueur: I understand that and we...all we can do is try to give them all the information we can because we open the meeting up.

Commissioner Hagenau: One could say that because of the public hearing process, the original application was modified because at the time it was allowed and let's say the telephone company saw the light and lowered their tower height, and so in that case you could say the public hearing process worked, it did something beneficial. Of course, it may have made a 163 people cranky but next time they have an emergency I don't think they will be critical. I have a question, I don't know how the rescue squad and fire department communicate, do any of them have communications via cell phones or just radios?

Supervisor LeSueur: No, radios and it's terrible.

E.M. Wright: The importance of cell towers the issue is you need to give access to the county and allow what information they have and what we might have to allow that. We had a meeting the other night and we met with the fire departments, rescue squad and sheriff, we are going to be approaching some of the cell phone towers. It is important...

Commissioner Hagenau: So it's not only people being able to make an emergency call out, it's going to be the emergency equipment will be able to communicate as it needs to.

E.M. Wright: We need a tower there to put something on. It has nothing to do with what technology; it's simply location to put a piece of equipment on it.

Supervisor LeSueur: It's very significant; we have a very bad lapse of communication in the E911 system, fire and rescue and law enforcement that needs to be dealt with.

Commissioner Hagenau: So the cell towers are another tool, not the cell phones but the towers are a tool for you guys to work with.

Supervisor Talbert: That's what we work on right here. That's what keeps this County going for the fire and rescue is this little battery right there. Goes in the monitor, goes in the handheld. The rescue squad have handheld so they can talk back and forth. But we don't have any repeaters in Buckingham. The repeaters going through the telephone line is costing a fortune so this program E.M. is talking about if we can afford it and if we can get some money it's going to be good.

Commissioner Hagenau: It will be a tool for you guys to use for safety and saving peoples lives.

Commissioner Gormus: Well you know, to me part of our job is to educate the public. 163 of those people might have signed that out of fear. Because Mrs. Ott was so...she was a very passionate woman because she really believed that if you put up a cell phone tower that it was going to cause her to have cancer and for a long period of time people have thought that and now they've come out with all this information and the American Cancer Society endorses they have found out that it doesn't emit cancer causing rays and they are putting cell phone towers on schools and fire departments and these kind of buildings and a lot of times people respond out of fear more than they respond out of being educated.

Commission Hagenau: Why do people believe everything on the internet is true? You can pull up these studies that say cell tower emissions are safe and I guarantee there are twice as many sites that say they are crap and that's what they ran into.

Commissioner Bowe: Why can't you just get Rebecca to make a simple sheet...we are not allowed to listen to such things as this that and the other thing and when people come in hand them one.

Commissioner Hagenau: As elected officials you have us as a buffer. We turn it down and you can always blame it on us.

Commissioner Stish: We sent the last case, gentlemen, we sent you a perfect hearing. As a matter of fact the gentleman from CityScape complemented us; he said we did it perfectly. He attends thousands of them and he said the Planning Commission handled that hearing perfectly.

Supervisor Talbert: Yall do a great job.

Commissioner Stish: I was going to share with you that sometimes just taking the information out of the packet, out of the hearing from the Planning Commission and working with the recommendation and finding that you have there, we've done a lot of your work for you. You can essentially just go.

Supervisor Talbert: Well that's the purpose of the Planning Commission.

Commissioner Stish: That's right.

Supervisor Talbert: Takes the politics out of it.

Commissioner Bowe: The lady also held a cell phone up and says that I carry one well that tells me that she's not scared of it if she's carrying one.

Commissioner Gormus: She's not scared of the phone; she's scared of the tower.

Supervisor Talbert: This happened several years ago, the FCC turned one down in Appomattox, I'll take you up there and show you where the tower is sitting right now and it was in sight of that National Historical Park, 1700 acres, if you've got the money, you can get you a lawyer and you can go against the federal government and get what you're after. He's dead and gone now, bless his heart, but they could not turn it down...they turned it down I don't know how many times but he proved that he needed it to keep his business going and they put it up there. And the superintendent up there tried his best to stop it but couldn't stop it.

Susan Rabold: When was that?

Supervisor Talbert: Appomattox Virginia, Appomattox National Historical Park.

Susan Rabold: When?

Supervisor Talbert: When? Oh a few years ago. Of course they've changed some laws and things now but he would still get it. Money rules a whole lot of this stuff.

Supervisor Kitchen: The Cell Towers is kind of like the biosolids. They tried through the state, the Supreme Court they won, the federal court they won, so you know they can put it down in your back yard if they want to.

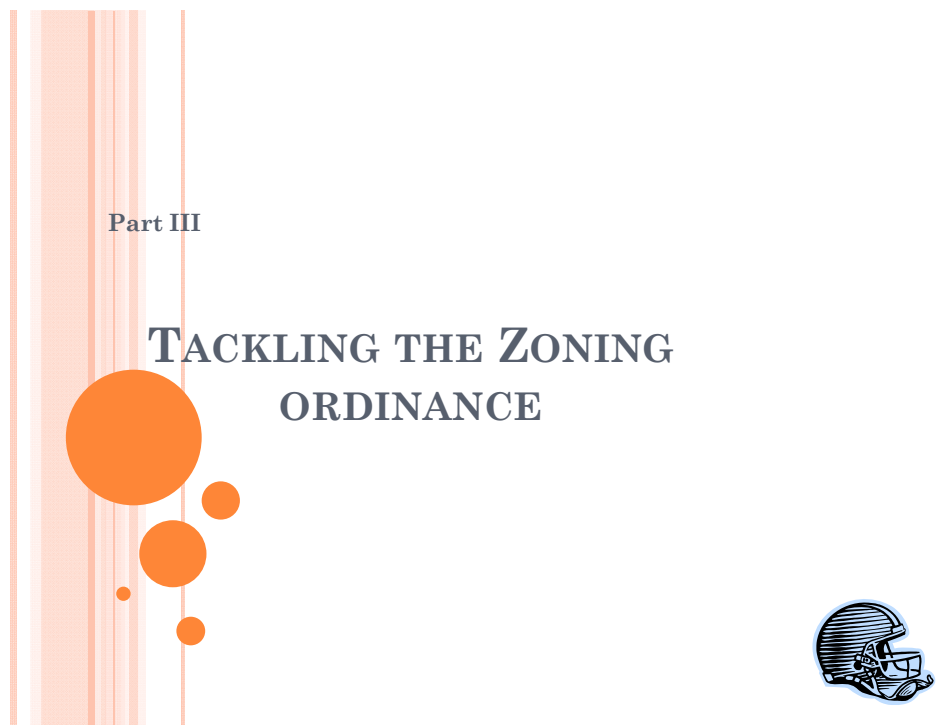
Supervisor Talbert: I'm not against towers. I wish nobody ever invented the cell phones because they are the most aggravating thing anybody has ever had. If you can't accommodate all people, don't accommodate just a few is what I'm trying to say. I go right back to my electrical company, they by law have to supply it to everybody that will let them come across their land. There's one place in Charlotte County never did get it because the man wouldn't let them come across his land. That house is sitting there today with no lights in it. They had a reason and didn't have to put none in it. I agree with you, you have to start in a base but anyhow.

Mrs. Cobb: Does anyone else have any questions for Susan?

Commissioner Stish: Thank you so much. I just want to say that I really appreciate CityScapes thorough, accurate assessments.

Mrs. Cobb: We are not ready to close just yet. I have another little thing. It will be brief. I want to go over what the Planning Commission has done with the Business Districts, the Industrial Districts and then also touch base about the changes that need to happen on the Article 9, the telecommunications stuff. It's just a few minor things and then hopefully once I run through that, we'll feel comfortable enough to set a public hearing for those items.

Re: Tackling the Zoning Ordinance Part III

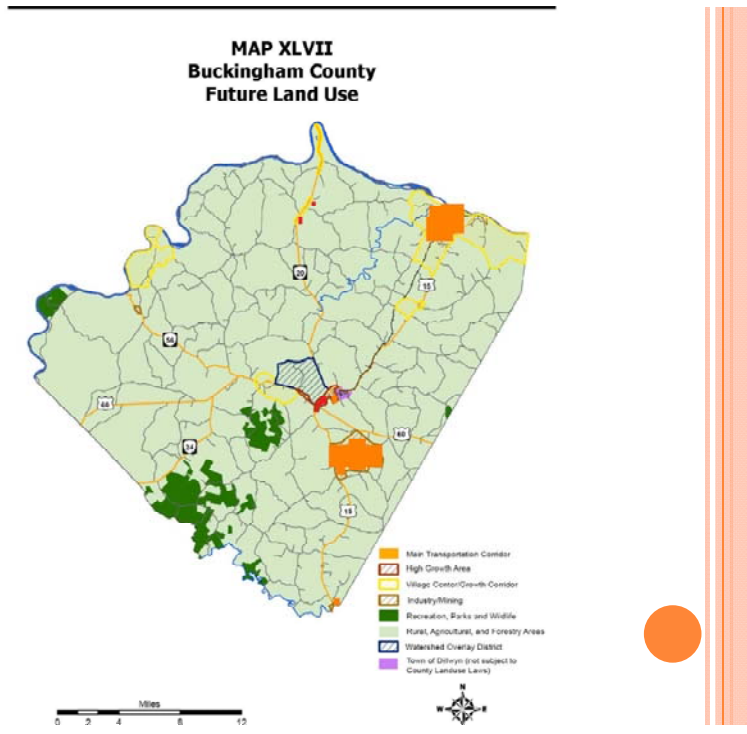


So this is Tacking the Zoning Ordinance Part III

TONIGHT

- Business (B-1)
- Light Industrial (M-1)
- Heavy Industrial (M-2)
- Recreational Access (RA-1)
- Landfill and Waste Disposal (L-1)
- What's Next

Tonight, like I said we are going to do Business, Light Industrial, Heavy Industrial, Recreational, Landfill and Waste Disposal and then we will do the Article 9 Telecommunications and then we'll talk about what's next.



The first thing, this is our base map from our Comprehensive Plan. You've seen this over and over and over again. But this is the whole reason why we are looking at the Zoning Ordinance. What I have done to this is just shown, ok, here is our future map of areas that we would see as residential business and that sort of thing. What I have done is added current zoning to that. So the big kind of blocks are actually industrial areas, really they are mostly heavy industrial areas and then we've got some Zoned Business here. Some little areas here that are zoned business. There's a few others throughout the county as well as industrial. We've got the park here and we've got some industrial up in here that has been indicated on this map. Just to give you a basic idea so that when we are going through this, through these districts you can think about what's in these areas and where these areas are and see how it fits.

BUSINESS DISTRICT

Permitted Uses

- Combined uses
 - Retail – apparel, sporting goods, gift shops
 - Motels, Hotels, B&B
 - Food Stores – bakery, butcher, candy
- Added defining language
 - Apartments as a secondary use
 - Dry Cleaning – drop off/pick up stations

Special Uses

- Deleted duplicates
 - B&B, Lube shop, Restaurants
- Combined uses
 - Amusement centers – bowling alleys, pool halls, skating rinks etc.
 - Dog Businesses
 - Laundromats & Dry Cleaners

In the Business District the permitted uses, the changes that we made was to combine uses to shorten up these lists a little bit. Retail, we've included apparel, sporting goods, gift shops and so forth. Motels, hotels and Bed and Breakfast are linked together. Food Stores, bakery, butcher, candy, all that is grouped together. Then we added some defining language. The permitted uses and special uses, I don't like to do a lot of defining stuff there because we do have a definition section, but sometimes it is needed. In this case we have apartments listed in Business and it wasn't very clear that apartments is really a secondary use. So that's where you might see store fronts and someone might have an apartment on the top level that they either rent out or stay in themselves. Then also for dry cleaning, we've indicated that this is more of a drop off/pick up station. This is not actually going to have the chemicals there because that is more of an industrial thing.

Then in Special Uses, we've deleted duplicates. Bed and Breakfast was listed here and is already a permitted use. Lube shop, restaurant...the same thing. Restaurant is kept in special use with alcohol. Just a plain restaurant is a permitted use. Then we combined uses like amusement centers, bowling alleys, pool halls, skating rinks, that's all together. Dog businesses, that's the same we've done in other districts where there's grooming, kennel is all grouped into one. Then we've got the Laundromats and dry cleaners are a special use here. This is where the actual laundering happens.

BUSINESS DISTRICT

Area Regulations

- Minimum size as required by the Board of Supervisors and approved by Health Department

Setback Requirements

- Front Setback
 - 50 ft primary rd
 - 25 ft secondary rd
 - Lower request taken to BOS but will be reviewed based on traffic & Comp Plan
- Side and Rear Setback
 - 10 ft if adjoining business district
 - 25 ft if adjoining Residential or Ag. District
 - 50 ft if adjoining Industrial District

The area regulations for business district, we did not change. This is the same that's in the ordinance now saying that the minimize size will be dictated by the Board of Supervisors and approved by Health Department.

Setback Requirements has changed. One thing I'll say is when we were making changes to the business and industrial districts is we wanted to keep in mind actual businesses. What we have and what we would like to see. So we really try to be business friendly as much as possible. So what we've done here for the front setbacks is we have 50' for primary road and 25' for secondary roads and we have said that they can ask for an even lower request but it would have to be approved by the Board of Supervisors. You all would base your decision upon traffic and the Comprehensive Plan. Then for side and rear setbacks, we've got 10' if it is adjoining other business properties. 25' if it is adjoining residential or Ag properties, and 50' if it adjoining Industrial District. So industrial is going to be much heavier so we don't really want someone who is going to a retail shop to have to smell the smoke and deal with the dust and that sort of thing of something of something industrial. But if it's next to something else business like a retail shop, we wanted to allow them some flexibility for using their land and not have to meet a large setback.

LIGHT INDUSTRIAL DISTRICT

Permitted Uses

- Added defining language
 - Assembling in Nature
 - Manufacturing only if no discharge other than sewer and low levels of noise, smell, light and dust
- Combined Uses
 - Food – candy manufact., beverage and bottling
 - Wood – lumber manufact., pulpwood processing, woodworking shop
- Deleted “Heavy Uses”
 - Paint manufact., Tire manufact.,

Special Uses

- Deleted “Heavy Uses”
- Considered current industry
 - Brick and Block manufact.
 - Quarry
 - Mining

The Light Industrial District: The permitted uses, we added defining language which says “Assembling in Nature; Manufacturing only if no discharge other than sewer and low levels of noise, smell, light and dust.” The combined uses, we did Food-candy manufacturing, beverage and bottling; wood-lumber manufacturing, pulpwood processing, woodworking shop. All of these things are combined into one. We deleted what I say is “Heavy Uses”. There was obviously things to us in the light industrial district that we thought should be more of a heavy industrial and that’s things like paint manufacturing, tire manufacturing. So again that relates back up to defining language of low levels of noise, low levels of smell, low levels of light and dust. Again, most of the time these light industrial, they may back up to semi-residential areas or a business area and so we are trying to play that and be nice to everyone.

The Special Uses, again we did the same thing with deleting heavy uses. We again considered the current industry and so we’ve kept the things that are already here. We didn’t want to take those out and put them into heavy so if someone goes to increase what they currently doing then they would have to come and ask for rezoning so we tried to be business friendly here.

LIGHT INDUSTRIAL DISTRICT

Area Regulations

- Minimum size as required by the Board of Supervisors and approved by Health Department

Setback Requirements

- Front Setback
 - 50 ft
- Side and Rear Setback
 - 15 ft if adjoining Industrial district
 - 50 ft if adjoining Business district
 - 100 ft if adjoining Residential or Ag District

For light industry we kept the area regulations the same. Again for setbacks, front setback is 50' and the sides we have a varying 15', 50' and 100' depending on where its located and if the adjoining property is zoned in a similar nature or not.

HEAVY INDUSTRIAL DISTRICT

Permitted Uses & Special Uses

- Deleted repetitive uses
- Considered current industry
 - Lightweight Aggregate Manufacturing
 - Cut Stone Operations
 - Quarrying & Mining
- Noxious Uses as Special Uses
 - Industrial Gas Manufacturing
 - Paint Manufacturing
 - Rendering Plants

Heavy Industry-We deleted things that were repetitive uses; considered the current industry; and then also the noxious uses were more put into the special use. So industrial gas manufacturing, paint manufacturing, and rendering plants are in special use for heavy industry.

HEAVY INDUSTRIAL DISTRICT

Area Regulations

- Minimum size as required by the Board of Supervisors and approved by Health Department

Setback Requirements

- Front Setback
 - 50 ft
- Side and Rear Setback
 - 15 ft if adjoining Industrial district
 - 50 ft if adjoining Business district
 - 100 ft if adjoining Residential or Ag District

Again, heavy industrial the area regulations are the same. And the setbacks for heavy industrial is the same as it was for light industrial.

RECREATIONAL & LANDFILL DISTRICTS

Minor changes

- Permitted and Special Uses include but are not limited to
- Setbacks include house or principal structure

Recreational and Landfill districts: We don't have any landfill district zoned properties right now. We have a little bit of recreational zoned property but not a lot and we didn't have a lot listed in these districts so we didn't do any major changes there. Mostly, I guess the main change was the setbacks said house and we changed that to say house or principal structure because in a lot of these there's not going to be a house it's going to be some time of other building. We wanted to make sure that those building did have to meet setback requirements.

ARTICLE 9 – TELECOMMUNICATIONS

Minor Changes

- Text References – minor clean up
- Change to intended text
 - Applicant shall provide evidence that all adjoining property owners and all property owners within 2600 feet have been notified...

Now for the Article 9, Telecommunications; it's minor changes. The main thing is there's some text references where we say Refer to Section B on page 8 or something like that and it's actually Section C just because as we were editing things got moved around a little bit. So I can give you line by line what those are if you would like but that's a majority of what that is. The one text change that I think is significant is that at our work sessions we talked about notifying adjacent landowners as well as notifying property owners within 2600 feet. When that got put in, we actually found recently it says that the adjacent property landowners within 2600 feet. We've already go the adjacent property landowners covered we just need to say the 2600 feet so it was just left out that those 2600 feet have to be adjacent. We want the community to know about this tower and be aware of it. And so that was the intention at the work session it just didn't come through on the text that way and we are trying to fix that now.

WHAT'S NEXT

- Set Hearing for Current Changes
- Revisions on Remaining District (WS-1)
- Revisions to other Articles & Definitions
- Create Sign Article
- Revisions to Subdivision Ordinances
- Final Review and Revisions to Zoning and Subdivision Ordinances

And so what's next? I would hopefully like to see a hearing set if everyone is comfortable with these changes to go ahead and set the hearing to move forward with that. We still have revisions remaining on the watershed district. We've also been working on the other articles of the zoning ordinance and the definitions. I hope that will be settled soon at our next work session. It will be coming to you directly after that. We've also been working on the Sign Article. We found that while we've been working on the Zoning Ordinance, one thing that was listed in all the districts was whether or not signs were permitted or not permitted and what sizes. And through discussion with the Planning Commission, everyone was talking about well this size for this district and that size for that district or have it be a special use and that sort of thing and it was getting rather wordy. Just like I say, we don't want to do a lot of definitions in our permitted and special uses. So what my suggestion was to let's move all the sign pieces into one article and so that's what we've worked on. We've actually relaxed a lot of what we originally thought when we did each individual district. We are working together now to get that article ready to bring to you and show you that. Then also following we will need to do some more Subdivision Ordinance changes because at this point we've gone through the whole zoning ordinance so we need to look at the subdivision ordinance and make sure every change we've done in the zoning ordinance is going to be reflected in the subdivision ordinance as well. Then we can do our final sweeping of both of those to make sure everything is good and I can come to you and say "We're Done!" In which case we will probably go back to the comprehensive plan and make changes.

That's all I have for you tonight.

If you have questions about the changes we've done, I'll be happy to answer them.

Commissioner Hagenau: Do we want to set a joint public hearing?

Mrs. Cobb: That's entirely up to you guys if that's what the consensus is.

Commissioner Stish: I'm all for setting a joint public hearing with the Board.

Supervisor LeSueur moved, Supervisor Kitchen seconded and was unanimously carried by the Board of Supervisors to hold a joint public hearing with the Planning Commission on June 13, 2011 at 7:20 to hear public comments on the changes to the zoning ordinance.

Commissioner Hagenau moved, Commissioner Gormus seconded and was unanimously carried by the Planning Commission to hold a joint public hearing with the Planning Commission on June 13, 2011 at 7:20 to hear public comments on the changes to the zoning ordinance.

Commissioner Bowe: On this telecommunication one, if we've got 8 or 9 of these things getting ready to hit us, I think in all seriousness, staff ought to prepare a very simple list that the following items can not be discussed at this public hearing due to federal mandates. Just list them.

Commissioner Stish: Not considered.

Supervisor LeSueur: I think she gave a very nice summary of the things that the Telecommunications Act dictates. You know.

Commissioner Bowe: Exactly. Just a simple list so people can't blame us for it.

Commissioner Stish: If just with the agenda staple to it a full list of the FCC act is.

Supervisor LeSueur: We can't render them from talking. But we know.

Re: Adjournment of Planning Commission

Commissioner Hagenau moved, Commissioner Gormus and Bowe seconded and was unanimously carried by the Planning Commission to adjourn the meeting of the Planning Commission.

Re: Other Board Matters

Chairman Talbert asked if there were any Board matters. There were none.

There being no further business to discuss, Chairman Talbert declared the meeting adjourned.

ATTEST:

Rebecca S. Carter
County Administrator

E.A. "Bill" Talbert
Chairman