

FRANKLIN COUNTY BOARD OF ADJUSTMENT

August 24, 2020

The Franklin County Board of Adjustment held its regular monthly meeting on Monday, August 24, 2020 in the Franklin County Administration Building, Commissioners Conference Room, 113 Market Street, Louisburg, North Carolina.

Present: Stuart May, Scott Lerew, James Roberson, Robert Carlson, Shane Brantley
Staff: Scott Hammerbacher, Jason Rogers, and Tracy Walthour

Chairman Scott Lerew called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance.

Shane Brantley made a motion to approve the agenda and was seconded by Stuart May, the motion passed by a vote of 5-0.

Stuart May made a motion, seconded by Shane Brantley, to approve the minutes from the November 25, 2019 meeting, the motion passed by a vote of 5-0.

1. 20_CUP_01 Requested by TowerCo, LLC for the construction of a 249' lattice-type telecommunications tower on approximately 138 acres located off Seven Paths Rd., Franklin County PIN 2841-14-6429.

Jason Rogers stated that The Tower location meets the setback requirements from all property lines. The applicant will be required to meet all UDO requirements listed in Article 15 Telecommunications Towers and any other requirements of the State or Federal Agency's including the FAA and FCC. The Conditional Use petition states that the proposed tower will improve wireless telecommunications services and coverage to first providers, citizens' businesses, travelers, and visitors of Franklin County. Atlantic Tower Consultants, Inc. has reviewed the application and provided the following statement: It is the opinion of this consultant that this application conforms to all Federal, State, and County regulations regarding the construction telecommunications support structures, and should therefore be granted approval by way of issuance of the requested conditional use permit. The Board may place any reasonable additional conditions on the property if it deems such action necessary.

Jason Rogers stated that additional conditions were listed of approval, should The Board approve the Conditional Use Permit, which were listed under the Suggested Motion #2. TowerCo provided several of the conditions listed prior to the meeting.

Karen Kemerait-Fox Rothschild LLP (434 Fayetteville Street, Suite 2800, Raleigh, NC 27601)

Karen Kemerait stated that she was there on behalf of AT&T Mobility Cooperation, TowerCo and the property owner, Andrea Wrenn. The application for the conditional use permit is so that TowerCo can construct a 245' lattice tower with a 4' lightening rod, with an overall height of 249'. The reasoning for the height of 249' is, AT&T is trying to provide substantial amount of coverage to a currently unserved area. The Tower is also not just for AT&T and other service provides who would want to provide

coverage for the area but also for the First Responder Network Authority (First Net), so that they are able to attach their equipment to The Tower and provide broadband coverage to the first responders in the area.

Karen Kemerait stated that The Tower would be located on Andrea Wrenn's property, which is located at 1104 Lake Royal, Louisburg, NC, which is immediately west of Seven Paths Rd. in between AF. Moore Rd and Moore Ferguson Rd. The property is 3 ½ miles East of Bunn and 9 miles Southeast of Louisburg. The property is 138 acres on a vacant heavily wooded lot that is zoned AR (Agricultural). A balloon test, which is required under the Ordinance, was performed to show that tower will not be visible from most of the vantage points looking in the direction of The Tower. TowerCo will be leasing a 100' x 100', 0.23 acres for Ms. Wrenn for The Tower site. The Tower itself will be located within a 64 x 64 fenced area. There will be a gravel drive leading from Seven Paths Rd. to get to the location of The Tower site. With the exception of the 100' x 100' leased area and the gravel drive, the remainder of the property will remain as is, which is heavily wooded and vacant.

Karen Kemerait stated AT&T will be locating its antennas at the 239' foot position of The Tower to provide the most coverage to the area. The site plans show that there is room for AT&T, First Net, and then four additional carriers to come in to provide coverage without having to construct another tower. Ms. Wrenn's property is an ideal location for The Tower because it is a large piece of property that is wooded and due to this there will not be an impact on the adjoining property owners. The Tower will be a significant distance from all adjacent properties, 497' from the property to the West, 1,925' from the property to the North, 1,688' from the property to the East, and 518' from the property to the South.

Karen Kemerait stated all of the requirements were either met or exceeded of Article 15 in the UDO that are specific to telecommunications. The Tower will also not materially endanger the public health, safety, or general welfare if located were proposed and developed according to plan as submitted. It will improve the public health or safety because those who live in the area or travel thru the area will have the availability to 911 services in the time of emergencies when landline services might be down. Radio admissions will comply with federal rules and regulations, including FCC standards. The Tower will be in harmony with the area and in general conformity with the County's land use plan. The Tower is considered a low impact use, it will not create any noise, any glare, odors and it will generate very little traffic. Once The Tower has been constructed there will be one to two trips per month to the location for general maintenance purposes only.

James Roberson asked did Franklin County's emergency operations contributed or have any input.

Jason Rogers stated no, they have not.

James Roberson asked what the relationship was or if the emergency operations had one with FirstNet.

Jason Rogers stated not to his knowledge.

Scott Hammerbacher stated the last information he had on the subject was that they were trying to correct the ongoing issues they had with the 911 systems and they are exploring moving over to the system that the Highway Patrol use. He asked if they could speak on how collocating as a contractor would work in the future.

David Hockey-TowerCo LLC (5000 Valleystone Drive, Cary, NC 27519)

David Hockey stated that as The Tower owner will market their site to all providers of wireless services, whether that be the big 3 which is, T-Mobile, AT&T and Verizon. They want to make sure there is broadband because carriers are moving towards that. They wanted to address the point and they recognize there is what is called, WISP (wireless internet service providers). These services only do internet; they do not do voice all they do is data. They are actively recognizing the need for broadband and are proactively marketing sites to certain providers. Once they enter into negotiations, similar to what they would with the AT&T, T-Mobile and Verizon, TowerCo understands what height is needed on the tower, what kind of equipment is needed to put on the tower, what kind of loading is put structural on the tower and then an agreement is reached on paper and the rights are given to the company to install their equipment on the tower to start providing service.

Scott Lerew asked if hosting the different providers on The Tower is based on a flat rate that everyone pays. Is there something that would preclude a provider from participating versus one that would?

David Hockey stated that no, it is a combination of two to three variables. The first is the location and the charge for real estate, the other big factor would be how much equipment will be placed on the tower. As you put equipment on a tower it creates a structural strain on the tower or reduces the load a tower can handle. There is a formula that is used to charge a certain rate, it is competitive and they look to see what is charged throughout the area and making sure that it is within market rate so that there is never a concern that the carrier is paying too much.

Scott Lerew asked if TowerCo considers maximum load as far as the antennas on any particular tower if that is considered at the time of the tower being built or 5-10 years later when it is maxed out.

David Hockey stated that is considered at the time it is designed and built. The Tower will be designed for AT&T with additional capacity for three to four more carriers or customers. It has lots of capacity for the future and even if it were to max out, they have the ability to modify a tower. They would reinforce the foundation and the structural steel so that it could beef up and add more capacity in the future, if it was to ever get to that point.

Scott Lerew stated he was more so asking how many antennas is needed for each carrier.

David Hockey stated when they look at a carrier they look at the maximum they would design for that market because they have an idea that is the absolute limit that they would need for a certain area and design it for that maximum.

Robert Carlson asked if The Tower changes the value of the property tax wise.

David Smith, MAI, SRA (PO Box 51597, Durham, NC 27717)

David Smith stated that it would not significantly or adversely affect this property.

Scott Lerew opened the meeting to the public

Cecil Wilson-4275 Seven Paths Road, Spring Hope, NC 27882

Cecil Wilson asked if the residents that live next to the cell tower as far as interference with the radio and or TV, if that is a problem who to address that too.

David Hockey stated that the remedy would be if there was ever a situation where the resident, after the tower went up and AT&T started to broadcast their signal and something happened and there was an issue, the resident would need to contact The County. The County would then contact TowerCo, who would then contact the carrier and ask if there was an issue. The carrier would then exam their equipment to make sure there was interference being caused. They would run an analysis and then hire a 3rd party to do a dry test in the area.

Andrea Wrenn-1104 Lake Royale, Louisburg, NC 27549

Andrea Wrenn stated that her and her late husband bought a home at Lake Royale and one of the things that would have been fantastic to have 5 years ago when he passed away was cellphone coverage. He died on the property and the family had to drive somewhere else to call 911. For 12 years she teleworked and she would have to travel elsewhere when back in NC at Lake Royale, in order to work from home because there is no cellphone coverage. The Tower will be something that will benefit the residents of the community.

John Strickland-1713 Sagamore Drive, Louisburg, NC 27549

John Strickland stated that for 27 years he has lived at Lake Royale and has either had no cellphone coverage and/or it drifts in and out. His family has to drive around the lake to different hotspots in order to receive or send phone calls or text messages.

With no further questions or comments from the public, Chairman Scott Lerew closed the public hearing.

Stuart May made a motion to approve the Findings of Fact, seconded by Robert Carlson. The motion passed with a vote of 5-0.

Stuart May made a motion to approve the conditional use permit request with the following conditions:

1. Submission of final tower and foundation design drawings.
2. Registration with the FCC and securing a FCC ASR number;
3. Submission of a Phase I NEPA Assessment;
4. Submit a response from North Carolina State Historic Preservation Office (NCSHPO);
5. Adherence to all other UDO and NC Building Code requirements.
6. Franklin County Emergency services to be allowed to collocate on tower at no cost.
7. Approved North Carolina Department of Transportation (NCDOT) Driveway Permit
8. Prior to the issuance of Zoning and Building Permits, a Performance Security/Bond/Letter of Credit shall be submitted for the cost to remove the tower and restore the site to its original state. All performance securities/bonds/irrevocable letters of credit require an engineer's estimate. The amount of the bond/letter of credit shall be 125% of the engineer's estimate.
9. Landscaping shall be installed in accordance with Article 8-1 Note 6. Buffer Strips and Article 14 Landscaping around the security fence prior issuance to Certificate of Occupancy/Compliance.

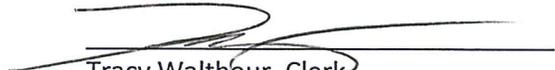
The motion was seconded by Robert Carlson. The motion passed with a vote of 5-0.

Chairman Scott Lerew made a motion to appoint Tracy Walthour as the Clerk for the Franklin County Board of Adjustments, seconded by Robert Carlson. The motion passed with a vote of 5-0.

With there being no further business before the Board of Adjustment, Chairman Scott Lerew adjourned the meeting at 7:47 P.M.



Scott Lerew, Chairman
Franklin County Board of Adjustment



Tracy Walthour, Clerk
Franklin County Board of Adjustment

