

Planning Board Meeting
April 13, 2015

6:30 PM

Council Chambers

Minutes & General Account

Planning Board Members Present: Art Wise, Chair; Sarah Glanville, Vice-Chair; Kerry Miller, Dot Perdue, Eddie Oakley, ETJ Representatives Richard Newbill, Steve Monroe, and Ted Johnson

Staff Present: Carrie Spencer and Martha Wolfe

Visitors: Carol Brooks of the Jamestown News, Rusty Monroe from Carolina Telecommunications Service (CTS) and Nicolo Iorio.

1. Call to Order – Art Wise called the meeting to order.
2. Approval of minutes from the March 9th, 2015 meeting - Kerry Miller made a motion to approve the minutes as presented. Sarah Glanville made a second to the motion. The motion passed by unanimous vote.
3. Public Hearing to consider amendment to the Land Development Ordinance to delete Section 10.1-32 Wireless Telecommunications facilities, microcell and section 10.3-14 Telecommunications towers, amend Article 3 – Definitions, amend Article 2 section 2.9-4 Height Limitations and amend the Permitted Use Table to reflect proposed Ordinance regarding Wireless Telecommunication Facilities or Complexes and consider the proposed Article 25 Wireless Telecommunication Facilities or Complexes – Carrie Spencer, Town Planner, stated the Town of Jamestown hired a consulting firm to review the Town of Jamestown LDO ordinance for Telecommunication facilities and to recommend ordinance amendments for wireless telecommunications facilities and complexes. Recent changes in Federal and State legislation and FCC rules spurred us to contract with Carolina Telecommunications Service (CTS) to assure the Town of Jamestown Land Development Ordinance is in compliance with all applicable laws & rules.

Carrie Spencer introduced Rusty Monroe, CTS. Mr. Monroe has been working in the wireless telecommunications industry for over 25 years. He has contracted with more than 800 municipalities in 34 states over the years to assist with ordinances for the telecommunications industry. Spencer said this is a complex and detailed ordinance. We are proposing this be added as a separate article within the LDO. The proposed ordinance would replace the existing sections within the LDO regarding wireless telecommunication facilities and towers.

Rusty Monroe, CTS, stated basically the proposed ordinance would allow a carrier permit approval providing they can prove a technical need for equipment inside the town limits. The ordinance places the Town in control to the extent that Federal & State law allows. There are a few areas that have been preempted; one area being preempted by the Federal government is the issue of RF emissions. (Radio Frequency emissions) The Federal government has set the accepted numbers for RF emissions. The wireless facility must comply with that number.

Monroe stated the proposed ordinance protects the legal rights and authorities of the Town. This is a permitted use that the Town cannot deny, however, we can regulate their location. Monroe said this proposed ordinance would make sure facilities will not go where you do not want them and they have as minimal visual impact as possible. The ordinance is designed to maintain aesthetics and to protect property values. The ordinance is designed to be as technology neutral as possible to minimize the need to amend or review the ordinance as technology evolves. Monroe said the industry has acknowledged that each carrier will need a wireless facility to service about every 75 households or every 400-500 yards. That is why expert assistance is needed.

The ordinance does require proof of need for a new tower. It assures that any expert assistance the Town needs is not paid by the tax payer. The applicant is required to pay up front the cost of the consultant's services. The ordinance assures that these facilities are built and maintained safely (ANSI code). This is critical. This ordinance makes the wireless carrier, the tower company and the landowner responsible for the safety of the structure. The proposed ordinance protects the Town's right to maximum revenue allowable. This is referring to leases the Town has with wireless facilities. Unless a carrier can prove a technological reason to move, since co-location is the #1 siting priority, you may not move a tower. CTS will review applications per this ordinance. This is an industry that is rapidly growing. There is a great need for capacity.

The Permitted Use Table would be amended to allow Telecommunications facilities and substantial modification in the following districts. Excludes residential neighborhoods:

- Main Street Periphery
- Commercial
- Bypass
- Civic
- Campus Overlay
- Industrial

Monroe said there are other viable ways to provide service without building a tower. Examples: attach to utility poles, church steeples, billboards, silos and commercial structures and others. The existing ordinance states that towers cannot be within 1000' from residential district. Monroe said if the carrier can prove a need to have the tower they can request a relief. This would be a variance per Spencer and the protest would go before the Board of Adjustment.

The new ordinance states if a new tower is proposed to be located within one-half mile of an existing or planned residential neighborhood, the tower shall not be taller than 10' above the tallest obstruction. Per Monroe, to deny a permit application one must have cause and show evidence of non-compliance of the written law/ordinance.

The Planning Board discussed the water tower located in the residential area of Forestdale East. Monroe said antennas could go on that tank, but it is the consultant's job to regulate the height of the antenna. (No more than 10') It is allowable because of being an existing tower. Cannot build a new one.

Steve Monroe, ETJ Representative, asked about effects on human life from emissions. Rusty Monroe said the FCC regulates the RF emission. He feels the number is too low. Also, only regulates the heat

factor no other biological or chemical factors. Rusty Monroe feels other regulations will be approved in the future.

Spencer said the ordinance requires the carrier to prove they are in compliance with emissions standards. CTS will review the certification. Also, the ordinance allows the Town the authority to require a Post-Construction on-site inspection to take actual measurements. This ordinance does all that can be allowed by law to regulate the industry and equipment.

Art Wise opened the Public Comment Portion of the Public Hearing. He asked if there was anyone present that wished to speak in favor of the proposed ordinance regarding telecommunication facilities, the proposed amended permitted use table and amendments to the current ordinance to please come forward. There was no one. Art Wise asked if there was anyone present that wished to speak in opposition to the proposed ordinance regarding telecommunication facilities and the amended permitted use table and delete the current ordinance to please come forward. There was no one. Art Wise closed the Public Comment Portion of the Public Hearing.

Kerry Miller stated he feels we should proceed with the proposed ordinance because it has a proven record in other municipalities. It has a process of checks and balances for the carriers. He does not think delaying it another month will change the content of it. Kerry Miller made a motion to proceed with replacing the current ordinance and recommending approval of the proposed ordinance relating to telecommunication facilities and amend the permitted use table as presented. Dot Perdue made a second to the motion. The motion passed by unanimous vote. Monroe said CTS will be present for the Council Public Hearing when it is scheduled.

4. Update on Long Range Planning & Budgeting – Carrie Spencer, said it was budget time. The Planning Department spends money on items like Comprehensive Plan updates, ordinance updates and planning documents. She presented a map she created. The map shows the development in Jamestown and our ETJ since prior to 1970 to 2014. Spencer said the Comprehensive Plan was adopted in 2007. Not much development has occurred since that time so the plan really hasn't been tested. She feels the Comprehensive Plan and our LDO are standing firm until we can test them further.

She also distributed a document showing the plans the Town has adopted:

- 2020 Land Development Plan (Comp. Plan) adopted in 2007 – slated to be updated in 2017 – She would recommend an outside facilitator to conduct the public meetings.
- LDO – updated in 2009 – She recommends updating in 10 years, unless we see a need
- Parks & Recreation Master Plan approved in 2007
- TOJ Comprehensive Pedestrian Transportation Plan – approved June 2010. Spencer said the HPMPO is planning on doing a regional bicycle plan beginning July 1, 2015. The Town will submit our adopted Pedestrian Transportation Plan to HPMPO. She does not feel we need to update the Town plan at this time. Especially with HPMPO doing a regional plan including Jamestown.
- Deep River Trail Plan – adopted 2009
- Downtown Market Assessment and Business Enhancement Recommendations – conducted 2008. Spencer said some of the recommendations in this plan can be done by the Town. For example, streetscape plans with trees and street lighting.

Glanville commented that there are too many signs in the downtown area. It is cluttered and unwelcoming. Spencer said she intends to make the subject of parking as part of the regional plan that HPMPO is working on. See if HPMPO can help us with the parking issue.

Still under the business of budgeting, Spencer asked if PB members were interested in any training and conferences for the upcoming year. She would like to allocate some funds in the budget for training opportunities. Wise suggested training sessions at the Planning Board meetings. Bring someone in to do training with the PB members and possibly the Town Council members together.

5. Public Comment Period – None

6. Other Business – Art Wise asked if there was any other business.

The Town Clerk announced the following community events, she asked for help in spreading the word.

- May 7th, 2015 – Guilford County Sheriff's Office is conducting an informational meeting on the Community Watch Program – 6:30 pm Civic Center
- May 24th, 2015 – Jamestown Lions Club and the Jamestown Veterans Committee sponsoring the Memorial Day Parade – Entry forms at the Town Hall.
- May 30, 2015 – Town of Jamestown Community Yard Sale – Applications at the Town Hall.

Art Wise announced on Monday May 25th, 2015 Memorial Day, the Jamestown Veterans Committee will host a Wreath Laying Ceremony at the Veterans Monument at 11:00 am.

Carrie Spencer said 2016 is the Centennial Celebration for the Town of Jamestown. The Town Manager will bring this before the Town Council in the near future. If the Planning Board has any ideas for the celebration, please bring them to us.

Eddie Oakley reported a traffic safety issue with school buses and parked cars at the intersection of Potter Drive and Mendenhall Rd. The house at 103 Forestdale Drive looks like an abandoned property. Art Wise reported watercrafts parked in the front yard at 509 Forestdale Drive. Spencer will investigate these properties for any LDO violations.

Spencer reported an update from the last meeting; the utility poles being installed along Penny Rd. are not going to be installed in Jamestown. The orange cones will remain at the High Point Road construction project. They are not finished with the road project, signalization and stripping.

Kerry Miller made a motion to adjourn. Richard Newbill made a second to the motion. The motion passed by unanimous vote. The meeting ended at 7:50 pm.