

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, July 22, 2008 in the auditorium of the Community Services Center, located at 17202 Richmond Turnpike, Milford, VA 22514.

PRESENT

Floyd W. Thomas - Chairman
Jeff Sili – Vice-Chairman
D. M. “Maxie” Rozell, Jr.
Wayne A. Acors
Bobby Popowicz

ALSO PRESENT

Alan L. Partin - Assistant County Administrator
Benjamin W. Emerson – County Attorney
Michael A. Finchum - Director of Planning & Community Development
Gary R. Wilson – Director of Economic Development
Joseph C. Schiebel - Superintendent of Public Utilities
Karen Jenkins - Webmaster/PIO

ABSENT

Percy C. Ashcraft – County Administrator

CALL TO ORDER

Chairman Thomas called the meeting to order at approximately 6:07 p.m.

INVOCATION

Supervisor Sili led the invocation.

PLEDGE OF ALLEGIANCE

Chairman Thomas led the Pledge of Allegiance.

AMENDMENTS TO THE AGENDA

Supervisor Popowicz moved and Supervisor Rozell seconded to amend the agenda as follows:

- ◆ *Addition of Item #6A to New Business – “Discussion of Noise Ordinance”*
- ◆ *Addition of Item #3E to the Consent Agenda – “Request for Shared Drainfield”*

◆ *Removal of “Creation of Historic Resources Advisory Board” from Presentations/Reports*

Roll Call Vote: *Thomas* *Yea*
 Sili *Yea*
 Rozell *Yea*
 Acors *Yea*
 Popowicz *Yea*

OPENING BOARD COMMENTS

There were no opening Board comments.

1. PRESENTATIONS/REPORTS

◆ **Treasurer’s Report**

Chairman Thomas stated that on behalf of the Board of Supervisors and the citizens of the County, he wanted to congratulate Beth Curran on being named *Treasurer of the Year* by the Treasurer’s Association.

Ms. Beth Curran, Treasurer, thanked the Board for their recognition and said that it was a very nice surprise and honor by the Treasurer’s Association.

Ms. Curran stated that the picture really has not changed much from last month when she was before the Board. She said they did end up with the revenue for the general property taxes being a little short of what they had projected. Ms. Curran said she went back and looked, thinking that the economy may have had something to do with it, however, their collections percentage is actually right at last year’s or a little bit above on personal property. She said she thought there may have been some over estimation with the budget as far as real estate and personal property was concerned. Ms. Curran said that other than the public service, you really end up with the general property taxes being overall at what was budgeted.

Ms. Curran said that in looking at the school funds, it looks like they transferred \$400,000 less than was budgeted and so that was positive with the school situation. She said the other revenues that are short are with the availability fees and the fees related to the housing market, such as recordation fees, etc.

Ms. Curran said that they will be getting with Courtney Rogers to get the final numbers for expenses for the year-end report to see where they are.

2. APPOINTMENTS

◆ **Social Services Board of Directors (Bowling Green District)**

Supervisor Sili moved and Supervisor Acors seconded to appoint Michael Lenahan as the Bowling Green District Representative to the Social Services Board of Directors for a term beginning immediately and expiring June 30, 2012.

Roll Call Vote:

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

3. CONSENT AGENDA

Supervisor Sili asked that 3C, Approval of Task Contract for Design of Ladysmith Park Improvements be removed from the Consent Agenda.

Supervisor Sili moved and Supervisor Rozell seconded to approve the Consent Agenda items A, B, D and E as follows:

A) Approval of Warrants

Action Taken: Approval of the following warrant:

<i>General Funds</i>	<i>\$448,255.60</i>
<i>Consumer Utility Tax 911</i>	<i>3,542.82</i>
<i>Law Library</i>	<i>1,548.75</i>
<i>Tourism</i>	<i>3,512.42</i>
<i>Capital Improvements Fund</i>	<i>57,820.77</i>
<i>Utility Construction Fund</i>	<i>43,332.58</i>
<i>Debt Retirement</i>	<i>396,936.21</i>
<i>Milford Sanitary</i>	<i>949.32</i>
<i>Carmel Church Utilities</i>	<i>27,125.53</i>
<i>Lake Caroline Sanitary</i>	<i><u>1,242.71</u></i>
TOTAL	\$984,266.71

B) Approval of Planning Commission Actions

Action Taken: The Board reviewed the actions taken by the Planning Commission at its July 16, 2008 meeting and authorized staff to :

Advertise SPEX-03-2008 – Clark’s Cut II, LLC, Applicant; Emmett C. Snead III, Owner for public hearing at the September 9, 2008 meeting;

Schedule the first reading of TXT-01-2008: An Ordinance to Amend the Zoning Ordinance of Caroline County by Amending Article II, Section 2, Definitions, by Adding the Following Definition: Major golf Course – Facilities for the Sport of Golf with Related Golf Amenities that may include Accessory Driving Ranges, Lodging, Restaurants, Meeting/Conference Centers for the September 9, 2008 meeting;

Schedule the first reading of TXT-02-2008: An Ordinance to Amend the Zoning Ordinance of Caroline County by Amending Article 4, Rural Preservation District (RP), Section 5, Special Exception Uses with Board of Supervisors Approval, by Adding Paragraph 30 – Major Golf Course for the September 9, 2008 meeting; and

Schedule the first reading for TXT-03-2008: An Ordinance to Amend the Zoning Ordinance of Caroline County by Amending Article XV, Supplemental Regulations, Section 8, Development Standards, by Adding Paragraph K – Major Golf Course Subject to Eight Conditions.

D) Approval of Contribution to Little League All-Star Team Toward Expenses to Compete in the State Tournament

Action Taken: Approval of Contribution to Little League All-Star Team in the amount of \$1,000 Toward Expenses to Compete in the State Tournament. Funds for this will be taken from the Special Events line item in the County Administrator’s budget.

E) Shared Drainfield

Action Taken: Approval of a request from William and Karen Batts for a shared drainfield for a family apartment.

Roll Call Vote:

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

3C) Approval of Task Contract for Design of Ladysmith Park Improvements

Supervisor Sili said that one of his questions about Item 3C of the Consent Agenda, Approval of Task Contract for Design of Ladysmith Park Improvements was they have

yet to talk about the 2009 CIP and he didn't know how they had \$155,000 in there and how they were going to spend from that without discussing it.

Supervisor Acors responded that is not a problem since they have included that in the financing. He said his only concern was if they could use that facility and the land around that facility as a park. Supervisor Acors said that the money was there and has been borrowed and put in the CIP last year.

Supervisor Sili said that he was not sure what they were getting for this money when they are done.

Supervisor Acors responded that \$6,900 would allow them to see what would fit on those grounds and how it could be laid out for the general public, with possible additional soccer and softball fields and picnic tables.

Supervisor Sili responded that his other suggestion would be that Chairman Thomas bring this up with the School Board Chair at their next meeting to see what our real rights are going to be there because they have not even begun to relinquish any of their rights and are only letting us borrow the facility. He said that he was reluctant to do anything until he has this information.

Supervisor Acors responded that he had no problem with waiting to see what our rights are.

Chairman Thomas stated that he is supposed to meet with the School Board some time before the end of this month.

Supervisor Acors said that he did believe there was a need for a park facility for citizens.

Chairman Thomas said that Ladysmith Village was supposed to have a park, but that park for some reason has slowed down or been delayed.

Supervisor Acors responded that the proffers did require that they build a park, but that was dependent on the number of units being built and the building is just not happening there or anywhere. He said that he met with Mr. Ramsay, Donnell Howard and someone from Ladysmith Village about this.

Chairman Thomas said that they will pull this agenda item and will place it on the August 12th agenda.

Supervisor Acors asked Chairman Thomas, in talking with the School Board, that it may be a good opportunity for the County to provide a community facility if they will allow the County to use one end of that facility for a basketball court, etc., because the Chilesburg and Ladysmith area would really benefit from that.

Chairman Thomas stated that this will be the first meeting with the new Superintendent.

6A. DISCUSSION OF NOISE ORDINANCE

Chairman Thomas stated that Mike Finchum attended his community meeting on July 11th and people complained about gunshots after 10 p.m. He said that Supervisor Rozell also sent an e-mail to him this weekend about a constituent that came to his house and actually took Supervisor Rozell to his house to hear a party that went on until 1 a.m. He said they have previously tried to tweak the noise ordinance regarding barking dogs etc. and asked Mr. Finchum how they could address the loud parties and loud music that affects neighbors and people that fire firearms late into the night.

Mr. Finchum responded that he did not want to speak for the Sheriff; however, he did recollect that the Sheriff has some concerns about the current ordinance and enforcement of the decibel levels. He said that he believes that the Sheriff's Office was in support of the proposed ordinance a few years ago that would make it possible for property owners to pursue action on their own against alleged violators. Mr. Finchum said he also believes it would be beneficial to sit down with everyone and discuss the pros and cons of the proposed ordinance and the current ordinance. He said he would like to provide the Board with some options to pursue and he understands that the current ordinance has gotten bogged down with some enforcement issues. Mr. Finchum said he would like to look at the ordinance that was previously proposed and the current ordinance to determine how it would be enforceable.

Chairman Thomas stated that he recalls previous discussions with the Sheriff and there was some concern about enforcement tools and maybe some cost involved for the County.

Supervisor Rozell responded that they need to make sure that they have an enforceable ordinance to protect citizens and in addition, work with the Commonwealth Attorney and provide the Sheriff's Office with the proper equipment to enforce the noise ordinance. He said that two miles away, you could hear this loud music and the lyrics were also very strong and should be taken into consideration as well when drafting the noise ordinance.

Mr. Benjamin Emerson, County Attorney, responded that they need to be careful of "freedom of speech" rights when drafting a noise ordinance that includes lyrics in music.

Chairman Thomas stated that there are some city and town ordinances that have profanity ordinances and that people can't walk through the streets and use offensive language. He asked staff and the County Attorney to work with the Board to find something to address Supervisor Rozell's concerns regarding profanity. Chairman Thomas said that what they are looking for is a tool to help the Sheriff's Office enforce the noise ordinance outside of normal hours that would be considered considerate hours.

Supervisor Popowicz responded that he believes this will address some concerns currently in the Port Royal District as well. He said he could not discuss this now because they are working with the Commonwealth Attorney on this matter.

Chairman Thomas asked Mr. Partin to work with the County Attorney, Commonwealth's Attorney and the Sheriff's Office on this because the Board does want to protect the neighborhoods in the County.

Chairman Thomas said that before the Board took a break, he noticed that Mr. Cavendish was in the audience and he wanted to say hello to Mr. Cavendish. He said that he has made note of his good deeds previously; however, every time he speaks about Mr. Cavendish's good deeds, Mr. Cavendish is not in attendance. Chairman Thomas said that since Mr. Cavendish is here now, he wanted to recognize him and make note that Mr. Cavendish was the reason that the Board of Supervisors passed a resolution in honor of naming bridges after troopers who lost their lives in the line of duty. He said it shows that it really only takes one citizen to make a difference. Chairman Thomas thanked Mr. Cavendish for his efforts.

Chairman Thomas stated that if you ride down Route 207 and go really slow past Mr. Cavendish's house, he has buffalo on his property and Chairman Thomas' college mascot was a bison and he had never really seen a buffalo until he saw them on Mr. Cavendish's property and he actually got to see five buffalo.

7. INFORMATIONAL/CALENDAR ITEMS

Mr. Alan Partin, Assistant County Administrator, reminded everyone that the County Fair starts on Thursday, July 24th at the Virginia Bazaar

He stated the next Regional Elected Officials Meeting is scheduled for July 29, 2008 in Spotsylvania.

Chairman Thomas stated that at 10 a.m. on Wednesday, July 23rd, Caroline is hosting the Little League 10 to 12 year olds Championship Game and encouraged everyone to attend.

CLOSED MEETING

Supervisor Popowicz moved and Supervisor Acors seconded to enter into Closed Meeting under Section 2.2-3711(A)(1): Personnel of the Code of Virginia to discuss a candidate for employment by the County.

Roll Call Vote:	Thomas	Yea
	Sili	Yea
	Rozell	Yea
	Acors	Yea
	Popowicz	Yea

The Board returned to regular session and adopted the following certification:

I move that the Caroline County Board of Supervisors certify that to the best of each Board member's knowledge:

- (i) *only public business matters lawfully exempted from the open session requirements by Virginia law were discussed in closed session to which this certification applies; and*
- (ii) *only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.*

<i>Certification by Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Rozell</i>	<i>Yea</i>
	<i>Acors</i>	<i>Yea</i>
	<i>Popowicz</i>	<i>Yea</i>

PUBLIC COMMENTS

Mr. Roger Cavendish, of the Mattaponi District, stated that he sent an e-mail to Board members showing Jimmy Carter's energy plan and it wasn't meant to be a political statement. He said it was only intended to show that just because it's a hard, difficult plan, doesn't mean it is not a good plan. He said we are where we are today and when the Board makes their decisions, it would be good for the Board to keep that in mind.

Chairman Thomas responded that he did receive the e-mail and it is funny to think that it was 30 years ago that we should have had a better energy plan. He said that the Board has discussed using propane as an alternative and they will continue to try to be better stewards.

Ms. Karen Lambert, of the Reedy Church District, stated that she came to talk about the possible creation of the golf course district and she has several concerns. She said she thought when they did the Rural Commercial Recreation District, that it would encompass different types of recreation. Ms. Lambert said that she did not see why they needed a special golf course district. She said she was worried because all of these things are planned for rural preservation areas. Ms. Lambert said that people have moved to the rural areas to be away from the noise and traffic. She said it seems that the County is ignoring what it created. Ms. Lambert said that committees were formed for the Sub-Area Planning and the majority of the committees tried to make smaller areas for development to maintain the rural areas, however, now they are putting motels and hotels right next to farms. She said she knows that economic times are tough and just like Mr. Cavendish said, sometimes we have to do what is a little harder for now so that everyone

can benefit in the future. Ms. Lambert said that she sees other areas being developed, but she doesn't see that vision here and having a nature trail, for example. She said the inner cities have more of a rural setting than we do here.

Chairman Thomas responded that the Board did not approve the golf course ordinance and only approved Staff's ability to advertise for that. He said they would be addressing the golf course ordinance in the future when it officially comes to the Board for the first time and the Board would take Ms. Lambert's comments into consideration.

PUBLIC HEARINGS

4. **SPEX-01-2007 - Willie M. and Cathy L. Thomas, Owner; National Communication Towers, LLC, Applicant: Request a Special Exception Permit in accordance with Article XVII, Section 13 (Use Permits), Article IV, Section 5.21 (Special Exception Uses with Board of Supervisor's Approval) and Article XV, Section 8.B (Standards for Communication Facilities), of the Caroline County Zoning Ordinance, on a portion of tax map #101-A-16, consisting of 1/3 of an acre, more or less, zoned RP, Rural Preservation (with a density of one dwelling unit per ten acres of land). This property is located on Route 602 (Concord Road), approximately 0.2 east of Route 725 (Secretariat Road), Reedy Church Voting District. Proposed Use: Telecommunication Facility (195 feet). The 2006 - 2026 Comprehensive Plan identifies this area as low density residential with a density of one to four dwelling units per acre.**

Mr. Michael Finchum, Director of Planning & Zoning, stated that this is the petition of Willie M. & Cathy L. Thomas, owner; National Communications Tower Company, applicant for a special exception permit to erect a 195 foot tall telecommunications tower on Tax Map 101-A-16. He said the property is zoned as Rural Preservation (RP) and is located within the Reedy Church Voting District.

Mr. Finchum stated that there were no citizen comments.

Mr. Finchum stated that the Planning Commission examined the general development plan (GDP) and the application. He said the County's telecommunications consultant presented his findings and recommendations and he recommended that the tower was not needed. Mr. Finchum stated that Staff explained that the site selected is not consistent with the County's telecommunications plan adopted by the Board last year. He said the Planning Commission at the February 20th meeting, recommended denial of the request.

Mr. Finchum said that recognizing that the proposal did not meet County requirements, the applicants requested a deferral and later this request was extended to January of 2008. and in January, the applicant requested another deferral. He said that on the day of the Planning Commission meeting, February 20th, at 5:00 p.m., the applicant supplied several new pieces of information and Staff advised the Planning Commission that the County had not had time to review this new information. Mr. Finchum stated that Mr. Davis said

that he was disappointed that the applicant submitted this information on the day of the Planning Commission's meeting and that Dr. Bush stated that this case has been around since last spring and why is this information just now being submitted.

Mr. Finchum stated that the County's telecommunications consultant stated that his original recommendation has not changed.

Mr. Finchum said that it is important to note that Hanover County is actually constructing a tower taller than this one a mile from the State Fair site. He said that the County's telecommunications consultant notes in this report that the Hanover County tower, in his opinion, will actually provide better coverage to the State Fair property than the proposed tower that is being requested for special exception approval tonight.

Mr. Finchum stated again, the Planning Commission recommended denial of this request.

Chairman Thomas asked the location for the proposed tower in relation to the State Fair site.

Mr. Finchum responded that the proposed tower site is off of Concord Road and less than a mile from the State Fair site.

Supervisor Rozell asked if all the proffers and suggestions from staff were included in the Board's packet.

Mr. Finchum responded that they were in the Board's packet and he would suggest that if approved, the Board should look at the suggested conditions one more time, to see if there is anything that the Board may want to add.

Chairman Thomas stated that the Board would give the Applicant an opportunity to make an opening statement and give a PowerPoint presentation. He said then they would allow people to speak and conclude with final statements from the applicant.

Chairman Thomas declared the public hearing open for SPEX-01-2007.

Mr. Elliott Harrigan, President of National Communications Towers, LLC, stated that his company has been in the business of developing communication towers for wireless phone companies since 1998. He said during that time period they have developed approximately 25 towers, one of which is in Caroline County. Mr. Harrigan said that currently they have AT&T and Verizon wireless on that tower and it has also been approved by Sprint and T-Mobile. He said for the 25 sites they have done and that has been in existence for 3 years, they have an average of 3½ users per tower.

Mr. Harrigan then gave a PowerPoint presentation and stated they are proposing a monopole and is on an 18-acre parcel back in a wooded area. He said it is actually 1.7 miles from the State Fair site. Mr. Harrigan explained the process to determine the need

and locations for towers and the hole in coverage and coverage needed. He said they have spoken with the President of the State Fair and he is concerned that they will not have adequate coverage when they open. Mr. Harrigan said that AT&T, ALLTEL, Ntelos, Sprint, Nextel, T-Mobile, Verizon Wireless and CVA link (high-speed internet) all have a license to operate in Caroline. He said AT&T has started planning to re-locate on this tower and are very anxious to do so. Mr. Harrigan said that they have letters of intent from AT&T, Verizon Wireless, Sprint, Nextel, Ntelos and CVA Link. He said AT&T is also here tonight with propagation maps and letter of intent.

Mr. Harrigan said that ALLTEL has their material and are evaluating it but have not given him a response yet. He said that Ntelos has provided a letter of intent and propagation maps and they have evaluated the County tower that is proposed in Hanover. Mr. Harrigan said that he believes Verizon will need this site as well, but they have not yet responded. He said the spacing of the Hanover tower is not ideal for carriers, because sometimes it is too close and sometimes it is too far. Mr. Harrigan said that although that tower will be higher, more height is not necessarily beneficial. He said he was asked last Thursday to have the Hanover tower evaluated by AT&T and AT&T did so and said that it will not work and Ntelos agreed. Mr. Harrigan said that AT&T and Ntelos said that they would not go on the County tower because it would not work for them and indicated their interest on locating on the proposed tower. He said if the Board did decide to approve this application tonight he has made up a timeline and they could be on line by August 1st, 2009.

Mr. Heman Reparthy, a representative of AT&T stated that it was his first time speaking and that he was nervous. He said that the main crux of his speaking was to talk about why it will work and why this is important for AT&T. Mr. Reparthy said that AT&T's existing coverage is very low on Route 30; however, they have good overlapping coverage on Route 30 and 301. He said that 85 DB's equals 5 bars on your cell phone. He said currently on Route 30 and 301, you will only have 1 bar on your cell phone.

Mr. Reparthy explained that two towers that are close together would actually create an overlap and cause interference. He said this would cost approximately \$400,000.

Mr. Mike Eglasius stated that he has worked for a lot of wireless carriers in the area such as Suncom, Cingular, etc. He said he has built and operated over 2,500 towers and now he is a consultant and owns his own business, Telecom Consulting and Staffing. Mr. Eglasius said that he was asked to speak about some of the challenges along the Route 30 and 301 corridors. He said there was a very challenging study that was done on the tower locations in the County and the proposed tower locations in the County. Mr. Eglasius said that he knew that the tower they are proposing to build, does not fit into the County's master plan for towers. He said obviously, with all four carriers agreeing to co-locate on this tower, there is a major need. Mr. Eglasius explained and compared it to a sprinkler system in a yard and that you need to have some overlap or you will get brown spots in your yard. He said there is a lack of coverage on Route 301 today. Mr. Eglasius said that this tower site is very important because it will fill in the gaps along Route 30

and cover the Fair and up and down Route 95. He said with regard to the height of the tower, that at the WWTP they are talking about building a 380 or 400-foot tower and that is going to create interference to other sites. Mr. Eglasius explained that you will turn your phone on and you have 5 bars and then the power will go away because it cannot handle all the calls, which causes more problems. He said a solid coverage spray could be provided by the same height towers.

Mr. Willie Thomas, of the Reedy Church District and the applicant, stated that he would love to have this tower, because it would help his financial situation. He said that they do have a lot of people that have dropped calls and that he could have probably gotten a petition up which several hundred people would have signed, but it would not mean as much as the consultant's word. Mr. Thomas said that he has been in Caroline County since 1951 and this tower would help a lot of people if this tower goes up. He said that he has several old trees that will never be cut and if this tower is not approved, he may have to clear-cut his property.

Mr. Karen Lambert, of the Reedy Church District, stated that in light of some of the additions, she was here when the County hired the man in February that said we did not need this. She said also in light of the fact that Hanover is getting ready to build another tower, she thinks the Board should deny this request at this time and find out for sure what kind of coverage they will actually have. Ms. Lambert said that there are temporary measures that can be taken by the Fair if coverage is needed and she doesn't know why the County would do something that they might regret later. She said maybe the coverage in Hanover will cause a tower to still be needed in Caroline, but we need to at that time, determine if this tower needs to be built.

There were no further comments and Chairman Thomas declared the public hearing closed.

Supervisor Popowicz stated in light of the information received here tonight, asked if the consultant had changed his recommendations.

Mr. George Condyles, of Atlantic Technology Consultants, responded that they were receiving information on this request all the way up to Friday at about 3 or 4 o'clock. He said he was in Giles County, West Virginia doing testing last week and he has not actually looked at some of this information; however, he would be willing to take a look at it.

Supervisor Popowicz asked about the high-speed internet coverage.

Mr. Reparthy responded that there was no difference between wireless and internet and the coverage on the propagation map is the signal that you will see. He said with the proposed tower, both voice and internet would be completely covered.

Chairman Thomas asked if high-speed internet would be different for a laptop at home.

Mr. Reparthy responded that you can use the phone as a modem and browse on a laptop.

Mr. Eglasius responded there were two things that the Board needed to understand. He said first, AT&T is going to provide 1.5 meg downloads just through the phone and the closer to the site you are the stronger the signal, 5 bars, the faster the data rate. Mr. Eglasius said the further you are away from the site, it will go to a slower data rate. He said the other type of internet service is CWA, who is the 4th letter of intent, and CWA is truly a wireless high-speed internet.

Supervisor Popowicz asked what kind of coverage the County would have with that Company.

Mr. Eglasius responded that it would be at 5.8 gigs.

Chairman Thomas stated that you would actually be able to have high-speed internet from a home computer. He said he thought Supervisor Popowicz was looking for the benefit to citizens and allowing them to have Wi-Fi or internet access.

Supervisor Acors asked what the County's benefit as a whole would be from this tower. He said they have talked about the various companies that would be on this tower. Supervisor Acors said that the Board has approved many towers over the years, however, he was not sure that they have served the citizens well by approving all of those towers without protecting the County in some way in providing some type of service to the County as a whole. He said that he needs to know how to benefit the County and provide space on this tower for Fire & Rescue or some other type of broadband company. Supervisor Acors said that he has seen a lot of towers come in and they talk about what they are going to provide, they talk about space, but then the cost outweighs what the citizens can afford.

Chairman Thomas asked if they were going to reserve space for the County.

Mr. Harrigan responded that staff actually recommended that and they have agreed to reserve space for the County.

Chairman Thomas asked if that space would be at no cost to the County.

Mr. Finchum responded that was correct there would be no cost to the County as stated in Conditions A through 11.

Supervisor Acors asked if Caroline County could allow Virginia Broadband to serve the County in that spot.

Mr. Harrigan responded that in Goochland, they are actually installing on two of their towers at no cost and are using it to provide wireless high-speed internet service for the

high school. He said also, they have sent their materials to Virginia Broadband and have had several conversations with them and they are in the same business as CVA and CVA is like Virginia Broadband.

Chairman Thomas stated that the County does have some relationship with Virginia Broadband and asked if they decided that they would like to have Virginia Broadband locate on this tower, they would like to have that opportunity on this tower if approved, still at no cost to the County.

Mr. Harrigan responded and said that he understands.

Supervisor Sili referred to a situation where a year ago they tried to do a project with the school system. He said they located a tower in Ladysmith and wanted to put a backhaul antenna on it to serve the school. Supervisor Sili said they were going to charge the County an engineering fee to look at the antenna stress on the tower and then they were going to charge for the incidentals that was needed for that tower and was included in a monthly fee of between \$200 and \$500 per month. He asked what the difference was between the agreement that the County would have with National Communication Towers, LLC and the agreements that the County has on other towers in the County.

Mr. Harrigan responded that he was aware of cases that were approved several years ago where no conditions were placed on the request to allow the County to locate on the tower, and in those instances, some of those tower companies have charged counties and municipalities the market rate. He said in this instance, County staff has very thoroughly in conjunction with the County Consultant, addressed that issue. Mr. Harrigan said that one of the things that County staff addressed, was if the County wanted to place some equipment on the tower 6 years from now and there was a need to do a structural study to make sure the tower could support that load, that his company would do that structural study at no charge to the County.

Supervisor Sili asked if there had been a change in the way the County does tower ordinances.

Mr. Finchum responded that the tower ordinance have been updated several times over the last few years and he believes the last update was in conjunction with the Comprehensive Plan study. He said when they updated the ordinance, they actually increased the height to about a 199-foot limit that was not in the previous ordinance. Mr. Finchum said that this was done with the idea that the number of tower sites would be reduced because of the extended heights.

Supervisor Sili responded that they keep dancing around the structure geometry, and if it was true that height doesn't necessarily give us anything because distance is distance.

Mr. Condyles responded that radio communication is a 3 dimensional problem and he disagrees that height doesn't give greater distance.

Supervisor Sili asked if the distance between the two towers from the State Fair was about the same.

Mr. Condyles responded no the distance was not the same. He said their tower is about 1.7 miles from the State Fair and the Hanover tower is 9/10ths of a mile from the State Fair. Mr. Condyles stated that Hanover County is going to build a 400-foot tower and come October you will see it. He said it is 9/10ths of a mile northwest of the Fair. Mr. Condyles said that Hanover County's new tower will not interfere with anything. He said he has not seen the propagation maps done by the applicant, but the cell phone will work at a 3 bar line.

Supervisor Sili asked if the tower they were talking about, was just a backhaul site.

Mr. Condyles responded that this is a fill in site, and will probably tie into the Verizon Telco network on a DS1 signal and the Hanover tower will do that as well. He said they are talking backhaul and everything on the Hanover side will be the same capability as the one being proposed, but it will just be twice as tall.

Supervisor Sili asked if this tower being twice as tall would cause any problems to coverage that was not there.

Mr. Condyles responded that there is actually coverage on the fairground site now. He said all the wireless carriers want to create more channels for talking. Mr. Condyles said that it looks like the Hanover tower will cover Routes 30 and 301, State Fair and the Dawn areas.

Supervisor Sili asked about the number of calls.

Mr. Condyles responded that both are handling the same, which is 64 channels per antenna.

Chairman Thomas stated that he was concerned and asked if there are 300,000 people at the State Fair, what happens if everyone is trying to call.

Mr. Condyles responded that there would be multiple antennas on the tower and some will transmit, some will receive and some are dual transmitters that receive and transmit. He said he can only speak about the State Fair in Richmond and that a "cell on wheels" truck with a 80-foot tower is there and from a geometry standpoint, somebody can be sitting at the Fair, but the strongest signal may be coming from Doswell. Mr. Condyles said that all of the carriers will have to do some Herculean things when you talk about the State Fair.

Supervisor Sili asked Mr. Condyles about his differences in opinion to the presentation made by the application.

Mr. Condyles responded that basically, the tower that Hanover is going to build is the one the County wants to be on and Caroline will have what is called an interoperability gateway.

Chairman Thomas asked if the Board were to approve this tower and Hanover puts up their tower and there were no mobile towers at the State Fair, in the event of an emergency would the County still have capacity.

Mr. Condyles responded that if the Board approves this tower, no calls would originate from Caroline County. He said if you dial 911 on a cell phone, you want that directed to your dispatcher and having both towers would give you double the capacity.

Chairman Thomas asked if you have both towers and you dial 911, it could go to Hanover or Caroline.

Mr. Condyles responded that the new cell phones now have a GPS chip and if you are standing on that side of the river and dial 911, your dispatcher console is going to come up with a map and show you a dot of where that call is coming from. He explained that wherever you dial 911 from is where the call is going to go and where the dot is and if you are in Hanover, it should go to the Hanover Dispatch and the same for Caroline. Mr. Condyles said that he said, "should", because he gives that system a 95% accuracy.

Supervisor Sili asked Mike Hall if the equipment the County had currently, if they get a 911 call, was he confident that the 911 call will actually show up on the County's dispatch.

Lieutenant Colonel Mike Hall, of the Sheriff's Department, responded that he agrees with the 95% to 98% accuracy and that the calls will go to the County where calls are made. He said if for some reason the call goes to Hanover, it will bounce back to Caroline within a few seconds.

Mr. Condyles responded that he said, "should" because they are talking 95% to 98%. He said he will say though, with Fire & Rescue and Sheriff agencies, that when the State Fair comes, the County resources will be taxed 110%, because it is a major event.

Chairman Thomas said that was why he was still stuck on "should", because they need to make sure that all 911 calls made from the State Fair are answered.

Supervisor Rozell said that he just wanted to make sure that the temporary cell towers can be made available for large events when needed.

Mr. Condyles responded yes, they would be.

Supervisor Rozell asked if the buffers along this property were concurrent with what they could expect and if buffers were included in the conditions.

Mr. Finchum responded that the applicant is requesting an exception to one setback requirement, because the applicant cannot meet that requirement because of the wetland conditions, etc..

Supervisor Rozell asked if the coverage takes into consideration the Hanover tower and if it is a Hanover tower, the County does not get any co-location on that tower.

Mr. Condyles responded that would have to be worked out between Hanover and Caroline.

Mr. Finchum stated that it is open for co-location, however, there may be a cost. He said they have never had those discussions with Hanover and he could not say whether it would be full cost, reduced cost or no cost, or if it was emergency services related costs. Mr. Finchum said that he thinks that is a discussion that Caroline would have to have with Hanover.

Supervisor Rozell asked about the non-coverage on Route 301 and some spots on Route 30. He said he was very familiar with that area and occasionally he loses coverage on Route 30, but he has not had that problem on Route 301. Supervisor Rozell said that the Caroline tower does extend out a little further to Caroline.

Mr. Condyles referred to Page 6 of the handout, and said that he believes the Hanover tower provides more coverage. He said again, the geometry issue, further up on the tower and greater height, better coverage on a handheld device.

Chairman Thomas asked what carrier the coverage map was based on.

Mr. Condyles responded that it was based on the original applicant, which was Sprint.

Chairman Thomas said that the coverage with AT&T in that area is a lot worse.

Mr. Condyles explained the process for determining coverage.

Chairman Thomas asked if people with AT&T have heard that the Caroline tower would be better.

Mr. Condyles responded that he believes that if the Board approves this request, there will be other carriers on the Hanover tower and they will need to "split the cells" to get better coverage. He said it would be theoretical until you make a drive test or try to make a call.

Supervisor Rozell said that in looking at the maps, he understands everything that the County Consultant has done and he has done his job in explaining this to the Board, however, the only way that he can see anything else going here is if it is something

unique that is going to bring something to the citizens. He said he knows Supervisor Sili is working on something to try to get Caroline County a broadband system, and he thinks they need more time to figure out how far they are going to get and how they can do it. Supervisor Rozell said that if they could put something else on this tower that would benefit the citizens, it would make sense. He said it could provide better service to the County, but right now, the conditions are not right.

Chairman Thomas asked Supervisor Rozell if there is a specific condition he would like addressed, enhanced or modified.

Supervisor Rozell responded that they have received a lot of good information tonight from the County's Consultant, and this is the first time that they have seen the new information this evening and they really need to digest all of it and he is not ready at this point to make a decision unless he needs to.

Mr. Harrigan reiterated that 4 wireless companies have evaluated this and they have a large engineering staff and have done thousands of these sites. He said that they have spent over \$400,000 studying this and he did not think that they would expend that amount of money unless they believed there was a real need. Mr. Harrigan said that he received a request on Thursday afternoon and AT&T and Ntelos really scrambled to produce this, and two of them evaluated the County tower and did propagation maps and concluded that, that site was inferior. He said Ntelos actually said that the Hanover site could not be considered for use in the Ntelos network, because it would provide signal excessively overlapping existing coverage along I-95 and will not extend coverage along Route 30 to the Fairgrounds.

Mr. Harrigan stated that they have had a great deal of discussion tonight and the County Consultant has a different opinion than the 4 wireless carriers. He said that he would also like to add that this process has been more thorough than any in the other 15 counties they have worked in, in the last 12 years. Mr. Harrigan said that it is often difficult to obtain this information because the carriers have 75 to 100 sites they are working on. He said AT&T did not provide them with propagation maps until today and Mr. Condyles did not have time to review them until now. Mr. Harrigan said that because of all these things, he would like to propose that the County not issue a building permit until they have at least one signed agreement. He said he would also like to request a 30-day deferral to have an opportunity to meet with County staff and the County Consultant and all parties concerned. Mr. Harrigan said he would also like to have time to contact Virginia Broadband in an effort to determine their interest in this and see on what basis they may be able to facilitate their locating on this site. He respectfully asked that the Board consider his request.

Supervisor Rozell responded that the main point is broadband in general.

Supervisor Sili said he would also like some contact information for CVA Link for other work that they are doing.

Chairman Thomas clarified some of the points of concern for the Board was co-location for broadband, County Fire & Rescue would be able to co-locate at no charge to the County and the use of the word "should".

Mr. Condyles responded that the wireless system works but the issue is its location to the tower.

Mr. Harrigan stated that during the discussion, if the Board grants his request for deferral, he would also like to talk about the actual propagation tool in the meeting with County staff, County Consultant and other parties involved. He said he understands that Mr. Condyles uses a different propagation tool than his company does.

Chairman Thomas responded that it doesn't really matter where the tower is, he just wants to make sure that people can access 911 when they need it.

Mr. Harrigan responded that he wanted to make two points. He said the first is, the lower the frequency, the further the signal goes. He said the other point is, you are looking for two types of coverage, highway and neighborhood coverage and then coverage to address capacity.

Chairman Thomas said that it is his responsibility to make the phone work when people need it and he has no problem with a 30-day extension.

Mr. Finchum stated that he will not be present at the August 26th meeting.

Chairman Thomas asked if this was delayed to September, how would that affect the timeframe and if they would still be able to do it by August, 2009.

Mr. Harrigan said that they can make it work.

Chairman Thomas asked that Mr. Harrigan work with staff and the County Consultant.

Mr. Condyles stated that he would like to request that they have 10 working days prior to the September 9th meeting to review any information on this request.

Mr. Finchum responded that this application is well over a year old and he has some concerns about the limitation in the State Code related to action by the Board of Supervisors. He said that the Board should make sure that the motion includes that this deferral is at the applicant's request.

Mr. Harrigan requested that action be deferred until the September 9th Board of Supervisors meeting.

Supervisor Rozell moved and Supervisor Sili seconded to defer action on SPEX-01-2007 until the September 9, 2008 meeting of the Board of Supervisors at the applicant's request.

Roll Call Vote:

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

**The Board took a recess at approximately 9:17 p.m. and reconvened the meeting at approximately 9:35 p.m.*

5. *SPEX-01-2008 - Donna M. Castles, Auston T. & Donna M. Cooper, Owner; Donna M. Cooper, Applicant: Request a Special Exception Permit in accordance with Article XVII, Section 13 and Article IV, Section 5, paragraph 25 of the Caroline County Zoning Ordinance, on tax map #40-4-7, consisting of 2 acres, more or less, zoned RP, Rural Preservation (with a density of one dwelling unit per ten acres of land). This property is located on Route 702 (14295 Smithwright Lane), approximately 1 mile south of Route 626 (Sunshine School Road), Mattaponi Voting District. Proposed Use: Immediate Family Division. The 2006 - 2026 Comprehensive Plan identifies this area as Agricultural Preservation with a density of one dwelling unit per twenty-five acres.*

Mr. Finchum stated that this is a petition of Donna M. Cooper, Owner/Applicant, for a special exception to permit a family subdivision of a 1.01-acre lot from a 2.02-acre parcel on tax map number 40-4-7 zoned Rural Preservation (RP) in the Madison Voting District.

Mr. Finchum stated that two nearby residents spoke in opposition to the request and they indicated that they did not feel that a singlewide manufactured/mobile home was appropriate for their area. He said two other residents spoke in favor of the request.

Mr. Finchum stated that at the June 18th meeting of the Planning Commission, staff provided information to the Planning Commission that the existing manufactured/mobile home on this property is legal and could remain on Mrs. Cooper's property regardless of the outcome of this Special Exception. He said there also is another singlewide manufactured/mobile home in this subdivision and that the proposal is in keeping with the parcel size and housing sizes within the area.

Mr. Finchum stated that the following are suggested conditions:

1. *All platting requirements as outlined in the subdivision ordinance for family divisions shall apply to this division.*

2. *The 1.002 acre remainder of the parcel that would contain Donna Cooper's present resident shall not be transferred to a non-family member for a period of no less than five (5) years from the date of approval of this Special Exception, unless said condition, were to be waived by the Board of Supervisors due to hardship.*
3. *The To-Wit letter for this Special Exception is to be recorded in the Clerk of the Circuit Court's Office within 30 days of receipt by the applicant.*

Chairman Thomas asked about the comments made against this request.

Mr. Finchum responded that the people who made comments against this request were concerned about manufactured or mobile homes being appropriate for the area.

Chairman Thomas declared the Public Hearing open on SPEX-01-2008. There were no public comments and Chairman Thomas declared the Public Hearing closed.

Chairman Thomas stated for the record that he just spoke to Mrs. Castles and she is present, but does not wish to speak. He said this request is in the Mattaponi District and the Board typically approves these requests in order to preserve families in the County and is only before the Board because of the acreage.

Supervisor Popowicz moved and Supervisor Rozell seconded to approve SPEX-01-2008 for Donna M. Castles, Auston T. & Donna M. Cooper, Owner; Donna M. Cooper, Applicant as presented.

<i>Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Rozell</i>	<i>Yea</i>
	<i>Acors</i>	<i>Yea</i>
	<i>Popowicz</i>	<i>Yea</i>

6. **AN ORDINANCE TO AMEND THE CODE OF CAROLINE COUNTY BY AMENDING CHAPTER 29 (BUILDING CONSTRUCTION, ALTERATION AND USE). THE PURPOSE OF THE PROPOSED AMENDMENTS IS TO ESTABLISH NEW FEES AND INCREASE FEES FOR VARIOUS BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING PERMITS IN ACCORDANCE WITH SECTION 36-105 OF THE CODE OF VIRGINIA.**

Mr. Finchum stated that this is an Ordinance to amend the Code of Caroline County by amending Chapter 29, Building Construction, Alteration and Use Permits. He said the purpose of the proposed amendments is to establish and modify fees for various permits in accordance with Section 36-105 of the Code of Virginia. Mr. Finchum stated that the Board has held two previous readings of this proposed Ordinance and the proposed fee modifications and additions have not changed from the second reading that the Board conducted on these fees. He said collectively, the fees are expected to generate

approximately \$75,000 in additional revenue for the County that would cover the cost of business for the County to conduct these inspections and perform the various plan reviews that the County is required to do under State and County regulations.

Mr. Finchum stated that they have received no comments related to the proposed fee changes.

Chairman Thomas declared the public hearing open on the Ordinance to amend the Code of Caroline County by amending Chapter 29 (Building Construction, Alteration and Use).

There were no public comments and Chairman Thomas declared the public hearing closed.

Supervisor Sili moved and Supervisor Popowicz seconded to take action tonight on the proposed ordinance at this time.

<i>Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Rozell</i>	<i>Yea</i>
	<i>Acors</i>	<i>Yea</i>
	<i>Popowicz</i>	<i>Yea</i>

Supervisor Sili moved and Supervisor Popowicz seconded to approve “An Ordinance to Amend the Code of Caroline County by Amending Chapter 29 (Building Construction, Alteration and Use). The Purpose of the Proposed Amendments is to Establish New Fees and Increase Fees for Various Building, Electrical, Mechanical and Plumbing Permits in Accordance with Section 36-105 of the Code of Virginia” as presented.

<i>Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Rozell</i>	<i>Yea</i>
	<i>Acors</i>	<i>Yea</i>
	<i>Popowicz</i>	<i>Yea</i>

CLOSING BOARD COMMENTS

There were no closing Board comments.

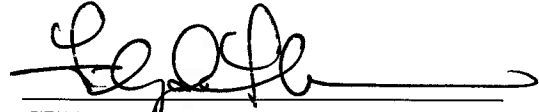
ADJOURNMENT

Supervisor Acors moved and Supervisor Sili seconded to adjourn the meeting.

<i>Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
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Sili *Yea*
Rozell *Yea*
Acors *Yea*
Popowicz *Yea*


CLERK TO THE BOARD


CHAIRMAN