

Patrick County Planning Commission Meeting

Minutes of March 21, 2019

Present: Mike Helms, Chairman; Brandon Simmons, Vice- Chairman, Marbin Anderson, Owen Caldwell and Sandra Belcher members of the Planning Commission, Rickie Fulcher, Board of Supervisors.

Also Present: Teresa McCormick, Secretary to the Planning Commission; Alan Black, County Attorney, Jason Brown, Patrick County Building Inspector; Attorney Lori Swheller, with Williams & Mullen; representing Cellco Partnership d/b/a Verizon; Stephen Waller, AICP-Planner/Site Development Consultant for GDNsites; Alton McPherson and Kenny Holt citizens of Patrick County.

Call to Order:

Mike Helms, Chairman called the meeting to order.

Approval of the Agenda and Minutes:

A motion was made by Sandra Belcher to approve the agenda as presented and to approve the November 20, 2018 minutes as presented; seconded by Brandon Simmons and carried unanimously by all voting members present.

Old Business:

Teresa McCormick stated the septic system for the vacant 0.925 acre tract belonging to Sheree H. Nickelston & Etals has been approved by the Health Department. Jeff Harris, property owner adjacent to the 0.925 acre tract will be deeding an easement to share his well.

A motion was made by Mike Helms to approve the revisions for the Sheree H. Nickelston & Etals property; seconded by Brandon Simmons and carried unanimously by all voting members present.

New Business:

Jason Brown, Building Official stated Alan Black, County Attorney was contacted by Attorney Lori Swheller, with Williams & Mullen; representing Cellco Partnership d/b/a Verizon that the County's Communication Tower Ordinance, needs to be revised due to the changes in General Assembly that was approved at the April 18, 2018 session.

Jason Brown reviewed the changes with the Planning Commission.

Process for approval of Communication Towers: County Ordinance states:

g. The owner of the tower shall provide Patrick County antenna space on the tower, at no cost to the County, at a minimum of 150 feet above ground level, or lower with the approval and consent of the Patrick County designated agent, for the accommodation of Emergency Services and other County communications needs.(8)

j. The owner of the tower shall supply the County with a radio frequency propagation map by the individual carriers (2)

p. Any permit issued hereunder shall expire if the tower is not constructed or has no service provider located thereon within 180 days from approval of the permit. The Planning Commission may grant an extension of up to 180 days. (10)

Section 15.2-2316.4:2 – General Assembly Changes as of April 18, 2018

8 – Condition or require the approval of an application solely on the basis of the applicant's agreement to allow any wireless facilities provided or operated, in whole or in part, by a locality or by any other entity, to be placed at or co-located with applicant's project;

2 – Require an applicant to provide proprietary, confidential, or other business information to justify the need for the project, including propagation maps and telecommunications traffic studies, or information reviewed by a federal agency as part of the approval process for the same structure as wireless facility, provided that a locality may require an applicant to provide a copy of any approval granted by a federal agency, including conditions imposed by that agency;

10 – Limit the duration of the approval of an application, except a locality may require that construction of the approved project shall commence within two years of final approval and be diligently pursued to completion

Alan Black stated the Planning Commission can't enforce anything that contradicts the state statute requires. Alan Black stated the state changes basically nullifies this portion of the County Ordinance. Alan Black also stated the Planning Commission will hold a public hearing, vote on a recommendation to the Board of Supervisors. The Board of Supervisors will also hold a public hearing in turn give the approval for the cell tower.

Jason Brown briefly reviewed the cell tower application before and after the public hearing.

Adjourn:

Mike Helms asked for a motion to adjourn the meeting; seconded by Brandon Simmons and carried unanimously by all voting members present. The next Planning Commission meeting will be April 16, 2019.

Mike Helms, Chairman