

D. Marche Pittman
County Manager
Beth Fehrmann
Clerk to the Board



Michael V. Gage
Chair
Keith Holbert
Vice-Chair
Shane Bradley
Commissioner
Ray D. Gasperson
Commissioner
Ted B. Owens
Commissioner

POLK COUNTY
BOARD OF COMMISSIONERS' REGULAR MEETING
November 7, 2016 – 7:00 P.M.
R. Jay Foster Hall of Justice
Womack Building
Columbus, NC
AGENDA

1. Call to Order – Chair Gage
2. Invocation – Commissioner Owens
3. Pledge of Allegiance – Commissioner Bradley
4. Approval of Agenda – Agenda items may be added and/or deleted at this time. Motion to approve.
- √ 5. Consent Agenda
Approval of the October 7, 2016, public hearing and regular meeting minutes. Motion to approve the consent agenda. **Pages 1-3.**
6. Citizen Comments
- √ 7. Wireless Telecommunications Ordinance Amendment – Cathy Ruth, Planner, will present the request to schedule a public hearing on November 21, 2016, at 7:00 P.M. in the R.J. Foster Hall of Justice, Womack Building, to take public comment on the amendment. Motion to approve. **Pages 4-17.**
- √ 8. Kudzu Management Update – Scott Wellborn, Cooperative Extension Director, will present the information. **Pages 18-19.**
- √ 9. Resolution Endorsing the Application for Comprehensive Bicycle & Pedestrian Planning Grant Funds by the Towns of Tryon and Columbus – Jerry Stensland, Recreation Director, will present the resolution. Motion to approve. **Page 20.**

- √ 10. County Line Surveying Resolution – County Manager Pittman will present the resolution. **Page 21.**
11. Installation of a Flagpole at the Doughboy Statue in Columbus – Commissioner Owens asked that this item be placed on the agenda to consider the installation of a flagpole in honor of all past, present, and future veterans. The project will cost approximately \$3,500. Motion to approve.
- √ 12. Budget Amendments – Sandra Hughes, Finance Director, will present the budget amendments. 1) BA #1, Governing Body, \$205,000 – To appropriate General Fund Balance to purchase the Polk County School Bus Garage. Motion to approve. 2) BA #2, Governing Body, \$3,500 – To increase Governing Body budget for the purchase and installation of a flagpole at the Doughboy statue in Columbus. Motion to approve. **Pages 22-24 .**
13. Manager's Report – 1) Local Government Commission (LGC) approval of financing for the Law Enforcement Complex. 2) Personnel Policy Amendments.
- √ 14. Volunteer Board for Vote – Transportation Advisory Board, 2 applications, 2 vacancies. **Pages 25-27.**
15. Commissioner Comments
16. Closed Session – Motion to enter into closed session for the purpose of attorney-client privilege, G.S. 143-318.11(a)(3).
17. Return to Open Session – Motion to return to open session.
18. Adjournment – Motion to adjourn.

√ Indicates information is included in the agenda packet.

POLK COUNTY
BOARD OF COMMISSIONERS' PUBLIC HEARING & REGULAR MEETING
October 17, 2016 – 7:00 P.M.
R. Jay Foster Hall of Justice
Womack Building
Columbus, NC
MINUTES

PRESENT: Chair Gage, Vice-Chair Holbert, Commissioner Bradley, Commissioner Gasperson and Commissioner Owens. Also in attendance were County Manager Pittman, County Attorney Berg, Clerk to the Board Fehrmann, media and citizens.

1. Call to Order of the Public Hearing Regarding the FY 2018 NCDOT Community Transportation Grant Applications (2) – Chair Gage called the public hearing to order. The purpose of the public hearing was to take public comment on two FY 2018 Transportation Department grant applications: Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities Program, and Section 5311 Community Transportation Program. Transportation Director Dianne Timberlake presented the information. The public hearing was properly advertised in the *Tryon Daily Bulletin*. The information is included on file in the agenda packet under Agenda Item #13.
2. Citizen Comments – There were none.
3. Commissioner Comments – Commissioners received clarification that the \$70,348 portion of FY 2018 state funding will only be provided if the Foothills Express service continues in FY 2018.
4. Adjournment – Commissioner Bradley moved to adjourn the public hearing, seconded by Commissioner Owens and the motion carried unanimously.
5. Call to Order of the Regular Meeting – Chair Gage called the regular meeting to order.
6. Invocation – Rev. Warren Elliot gave the invocation.
7. Pledge of Allegiance – MSG Bevin Corbin (retired) led the pledge.
8. Approval of Agenda – County Attorney Berg asked that “economic development, G.S. 143-318.11(a)(4)” be deleted from Agenda Item #18, Closed Session. Commissioner Owens moved to approve the agenda as amended, seconded by Commissioner Bradley and the motion carried unanimously.
9. Consent Agenda
Approval of the October 3, 2016, public hearings (2) and regular meeting minutes. Commissioner Bradley moved to approve the consent agenda, seconded by Commissioner Owens and the motion carried unanimously.
10. Citizen Comments – There were none.

11. Polk County Selected as the Regional Site for the Celebration of Veteran's Day 2016 – MSG Bevin Corbin (retired), president of the Polk County Veterans Association, reported the county was selected by the U.S. Department of Veterans Affairs as one of sixty regional sites for the celebration of Veterans Day for the third year in a row.

Chair Gage moved to switch the positions of Agenda Item #12, FY 2018 Transportation Department Grant Applications (2) and Agenda Item #13, Foothills Express Service Recommendation, seconded by Commissioner Gasperson and the motion carried unanimously.

12. Foothills Express Service Recommendation – Ms. Timberlake reported Foothills Express ridership is low, with only 386 people taking advantage of the fixed route service from its inception in November 2015 through August 2016. Ms. Timberlake recommended a modified Foothills Express service continue to be provided through June of 2017 for evaluation purposes. Ms. Timberlake proposed that, effective November 21, 2016, one bus will run the deviated fixed route from 8:30 A.M. to 2:45 P.M. on Monday, Wednesday and Friday, and the bus will only stop when passengers are waiting at a bus stop. These modifications will result in a projected annual cost savings of approximately \$20,000. Providing the service through the recommended evaluation period will allow the retention of available state funding for the operations budget, and allow for more marketing exposure of the service. The Transportation Advisory Board unanimously supports the recommendation. Following Board discussion, Ms. Timberlake presented a promotional Foothills Express video - created free of charge - to be used in increased marketing efforts. It was the consensus of the Board to accept Ms. Timberlake's proposal for the Foothills Express service to continue through the end of the 2016-2017 fiscal year, and to be modified wherein one bus will run the deviated fixed route from 8:30 A.M. to 2:45 P.M. on Monday, Wednesday and Friday, and the bus will only stop when passengers are waiting at a bus stop.

13. FY 2018 Transportation Department Grant Applications (2) – Chair Gage moved to approve the FY2018 Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities Program grant application and resolution, seconded by Commissioner Bradley and the motion carried unanimously. Chair Gage moved to approve the FY 2018 Section 5311 Community Transportation Program grant application and resolution, seconded by Commissioner Bradley and the motion carried unanimously.

14. North Carolina Department of Commerce NC Broadband Survey – Keith Conover, Technical Assistance Director for the NC Broadband Western Region, said his job is to provide direct technical assistance to local communities seeking to expand their broadband capacity. Mr. Conover offered to provide support in assessing local resources, developing broadband plans, and planning new infrastructure. He also recommended a broadband committee be formed in order to move forward with a county survey. The survey would determine how many households in the county do not have access to broadband service. However, one downside of conducting such a survey is that it tends to create an expectation with the citizens that broadband service will definitely be provided in the future to those households

not currently served. Mr. Conover said counties he has worked with that have formed active broadband committees typically have seen further broadband deployment within the county and, with the formation of a committee, funding for broadband expansion could be available from the Appalachian Regional Commission (ARC), a regional economic development agency that represents a partnership of federal, state, and local government. County Manager Pittman said PANGAEA, a local non-profit internet service provider, may be interested in participating in this initiative. Mr. Conover said he is experienced in engaging a wide range of partners in broadband projects, which is very important because each community is unique and a "one-size-fits-all" approach to broadband expansion will not work, and looks forward to working with Polk County on this project. It was the consensus of the Board that County Manager Pittman create a broadband committee and move forward with the county broadband survey.

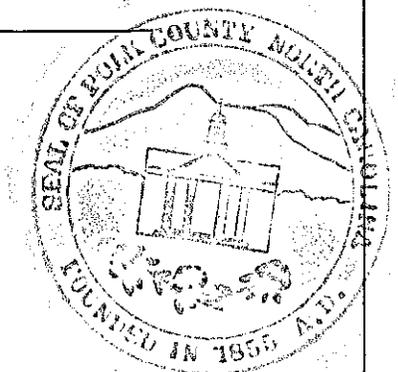
15. Manager's Report – County Manager Pittman reported the application for financing the Law Enforcement Complex has been submitted to the Local Government Commission.
16. Volunteer Board for Review – Two Transportation Advisory Board applications for two vacancies were reviewed.
17. Commissioner Comments – The Commissioners thanked everyone for coming out.
18. Closed Session – Commissioner Owens moved to enter into closed session for the purpose of attorney-client privilege, G.S. 143-318.11(a)(3), seconded by Commissioner Bradley and the motion carried unanimously.
19. Return to Open Session – Commissioner Owens moved to return to open session, seconded by Commissioner Bradley and the motion carried unanimously. Commissioner Gasperson moved to extend the agreement with Hwy. 74/108 LLC to purchase the future Law Enforcement Complex property until November 30, 2016, seconded by chair Gage and the motion carried unanimously.
20. Adjournment – Commissioner Gasperson moved to adjourn the meeting, seconded by Commissioner Owens and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD
OF COMMISSIONERS

Beth Fehrmann
Clerk to the Board

Michael V. Gage
Chair





To: Polk County Board of Commissioners

From: Planning Board and Staff

Date: October 13, 2016

Re: Wireless Telecommunications Ordinance

Project History & Analysis

A citizen requested adding to an existing fifty foot (50') exempt telecommunication tower that was put up to get reception through Skyrunner. It serves four residential homes. They are receiving a weak signal and Skyrunner recommended adding 10 feet (10') to the tower. The text amendment was requested to include the fall zone modification.

Plan Consistency

The Planning Board has found this Ordinance is consistent with the Polk County 20/20 Vision Comprehensive Plan, adopted March 15, 2010. The Plan states under I.47, *As necessary, revise/update the Polk County Tower Ordinance.*

Recommendation

The Planning Board does recommend that the Board of Commissioners adopt and enact "The Wireless Telecommunications Ordinance" of Polk County.

Votes: Aye 5
 Nay
 Abstain


 Planning Board Chair

**AN ORDINANCE CONCERNING THE POLK COUNTY WIRELESS
TELECOMMUNICATION ORDINANCE AMENDING FALL ZONES FOR ADMINISTRATIVE
REVIEW AND APPROVAL PROCESS**

WHEREAS, the Polk County 20/20 Vision Plan (“the Plan”) states “as necessary, revise/update the Polk County Tower Ordinance”;

WHEREAS, the Polk County Board of Commissioners finds that this Ordinance is consistent with the Plan, in particular the portions cited above, and declares that, for the foregoing reasons, this Ordinance promotes the public interest; and

WHEREAS, the Polk County Board of Commissioners, after due notice, conducted a public hearing on the ___ day of _____, 2016, upon the question of enacting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF POLK COUNTY, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. This Ordinance shall be known as the Amendment to the Polk County Wireless Telecommunication Ordinance Amending Fall Zones for Administrative Review and Approval Process.

SECTION TWO. Article III, Section 303(2)(b) of the Wireless Telecommunication Ordinance of Polk County, entitled Administrative Review and Approval Process is hereby amended to include the underlined text:

- (b) For collocations, written verification from a licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas, or a fall zone that measures at a minimum within the parcels lot lines, a circle whose center is the base of a telecommunications tower and whose radius is equal to one and one-half the tower's height documented by a N.C. licensed engineer and shall be marked by signage indicating the perimeters of the fall zone.

SECTION THREE. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed severable and that holding shall not affect the validity of the remaining portions hereof.

SECTION FIVE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this ___ day of _____, 2016.

Commissioner Chair

ATTEST:

Beth Fehrmann
Clerk to the Board of Commissioners

Approved as to content & form:

County Attorney

WIRELESS TELECOMMUNICATIONS ORDINANCE

ARTICLE I

Section 101. Title.

This Ordinance shall be known as "The Wireless Telecommunications Ordinance" of Polk County, North Carolina.

Section 102. Authority and Enactment.

This Ordinance is adopted under the authority and provisions of the Wireless Telecommunication Facilities, North Carolina General Statutes 153A, Article 18, Part 3B.

Section 103. Purpose and Legislative Intent.

The purpose of this Wireless Telecommunications Ordinance is to provide for the public health, safety and welfare by ensuring that residents, businesses and public safety operations in Polk County have reliable access to telecommunications networks and state of the art mobile broadband communications services. However, the construction of towers may cause unusual problems and hazards to the residents and visitors of Polk County. The ordinance is to regulate the construction of towers to avoid potential damage to adjacent properties from tower failure, and falling ice or other such debris, to maximize the use of existing and new towers in order to reduce the number of towers needed, to minimize potential hazards to low flying law enforcement and medical helicopters, to restrict towers that adversely detract from the natural beauty of the county by discouraging visual eyesores and to minimize the negative economic impact on tourism. By enacting this Ordinance it is Polk County's intent to minimize impacts on surrounding areas, encourage coordination among suppliers of telecommunications, encourage the use of existing buildings and structures as locations for telecommunications facilities, ensure structural integrity and safety, ensure Polk County has sufficient wireless infrastructure to support its public safety communications throughout the County, and to ensure access to reliable wireless communications services throughout all areas of Polk County.

Section 104. Jurisdiction.

This Ordinance, the regulations and the procedures contained herein shall apply to and govern each and every lot, parcel or tract of land within the County of Polk, outside of the jurisdiction and ETJ of any incorporated municipality.

ARTICLE II

Section 201. Definitions.

The following definitions apply:

Abandonment – Cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period of time specified under this ordinance.

Accessory Equipment - Any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Administrative Approval - Approval that the Planning Director or designee is authorized to grant after administrative review.

Administrative Review - Non-discretionary evaluation of an application by the Planning Director or designee. This process is not subject to a public hearing. The procedures for administrative review are established in Section 304 of this Ordinance.

Antenna - Communications equipment that transmits, receives or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Base Station - A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

Carrier on Wheels or Cell on Wheels (COW) - A portable self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

Collocation - The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

Concealed Wireless Facility - Any wireless facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not readily apparent to a casual observer.

Electrical Transmission Tower - An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

Eligible Facilities Request – A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

Equipment Compound - An area surrounding or near the base of a wireless support structure within which are located wireless facilities.

Existing Structure - A wireless support structure, erected prior to the application for an eligible facilities request, collocation or substantial modification under this ordinance that is capable of supporting the attachment of wireless facilities. The term includes but is not limited to, electrical transmission towers, buildings and water towers. The term shall not include any utility pole.

Fall Zone - The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

Monopole - A single, freestanding pole-type structure supporting one or more antennas.

Ordinary Maintenance - Ensuring that wireless facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing equipment compound and relocating the antennas to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include substantial modifications.

Replacement Pole - Pole of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation. Requires removal of the wireless support structure it replaces.

Substantial Modification - The mounting of a proposed wireless facility or wireless facilities on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

- (i) increases the existing vertical height of the wireless support structure by (a) more than ten percent (10%), or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
- (ii) adds an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty (20) feet, or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
- (iii) increases the square footage of the existing equipment compound by more than 2,500 square feet.

Tower - A lattice-type structure, guyed or freestanding, that supports one or more antennas.

Utility Pole - A structure owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Water Tower - A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

Wireless Facility or Wireless Facilities - The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless telecommunications services.

Wireless Support Structure - A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

ARTICLE III

Section 301. Permits Required for Wireless Facilities and Wireless Support Structures.

No wireless facility or wireless support structure shall be constructed, altered, reconstructed or expanded in Polk County without a valid Wireless Facility and Wireless Support Structure Permit as provided in this Ordinance.

Provided, however, no permit shall be required for the following:

- (1) *Public Safety Facilities.* A wireless facility or wireless support structure associated with a public safety facility so long as it complies with the following:
 - (a) The wireless facility or wireless support structure shall not exceed 120' in height.
 - (b) A fall zone as defined in the Ordinance shall be provided and shall only encroach on property owned by the State of North Carolina or a local government.
 - (c) No antennas shall be placed on the wireless facility or wireless support structure except those dedicated to public safety.
- (2) *Amateur Radio Antennas and Antenna Support Structures.* Amateur radio antennas or antenna support structures of amateur radio operators to heights of 90 feet or lower.

Section 302. Administrative Review and Approval.

The following types of permit applications are subject to the review process as provided in Section 303:

- (1) New wireless support structures that are less than sixty (60) feet in height as measured from the ground;
- (2) Replacement poles located on public property or within utility easements or rights-of-way;
- (3) COWs;
- (4) Collocations;
- (5) Removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial modification as defined in this ordinance;

(6) Ordinary maintenance of existing wireless facilities and wireless support structures, as defined in this Ordinance; and

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(7) Wireless facilities placed on utility poles.

Section 303. Administrative Review and Approval Process.

(1) *Content of Application Package-For New Sites.* All administrative review application packages must contain the following (if applicable):

- (a) Administrative review application form signed by applicant;
- (b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms;
- (c) Drawings which must depict improvements related to the applicable requirements including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements; and
- (d) Documentation from a licensed professional engineer of calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this ordinance.

(2) *Content of Application Package-For Other Sites/Facilities.* All administrative review application packages must contain the following:

- (a) Administrative review application form signed by applicant; and
- (b) For collocations, written verification from a licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas, or a fall zone that measures at a minimum within the parcels lot lines, a circle whose center is the base of a telecommunications tower and whose radius is equal to one and one-half the tower's height documented by a N.C. licensed engineer and shall be marked by signage indicating the perimeters of the fall zone.

(3) *Procedure and Timing.*

- (a) Applications for Administrative Approval. Within thirty (30) days of the receipt of an application subject to administrative approval, the Planning Director will:
 - (i) Review the application for conformity with this Ordinance. An application under this Section 303 is deemed to be complete unless the Planning Director notifies the applicant in writing, within ten (10) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take ten (10) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within ten (10) calendar days, the application shall be reviewed and processed within thirty (30) calendar days from the initial date the application was received. If the applicant requires a period of time beyond ten (10) calendar days to

cure the specific deficiencies, the thirty (30) calendar days deadline for review shall be extended by the same period of time; 12

- (ii) Make a final decision to approve or disapprove the application; and
- (iii) Advise the applicant in writing of its final decision. If the Planning Director denies an application, it must provide written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance.
- (iv) Failure to issue a written decision within thirty (30) calendar days shall constitute an approval of the application.

(4) *Wireless Facility & Wireless support Structure Permit.* A Wireless Facility & Wireless Support Structure Permit shall be issued following approval of the application under administrative review in accordance with the process and standards in this Ordinance.

Section 304. Planning Board Approvals – Non-Administrative.

- 1) Any wireless facility or wireless support structures not meeting the requirements of Section 303 above, may be permitted upon the granting of a Wireless Facility and Wireless Support Permit by the Planning Board, subject to:
 - (a) The submission requirements of Section 303 (1), and 304;
 - (b) The applicable standards of Section 304 below;
 - (c) A completed application and five (5) copies of all supporting documentation identified in Section 304 shall be submitted to the Planning Director for review at least fifteen (15) working days prior to a regularly scheduled Planning Board meeting;
 - (d) The Planning Director shall review the completed application for compliance with Section 304. Any application not containing all information required by Section 304 shall be returned to the applicant for correction and resubmission. If the Planning Director deems it necessary, they may retain, at the permit applicant's expense, one or more professional engineers to assist them in reviewing any technical requirements;
 - (e) The Planning Director shall be responsible for submitting a notice to the local newspapers and to all known property owners abutting the property where the proposed tower is to be located. The notice shall state that the Planning Board will review and consider the application at their next meeting;
 - (f) The Planning Board shall consider the application at their next regularly scheduled meeting after receiving the Planning Director's recommendation;
 - (g) The Planning Board shall take formal action to approve, approve with conditions or disapprove the permit application within ninety (90) working days. However, the Planning Board may take up to sixty (60) additional days if necessary. If the action is to disapprove the permit application, the reasons for such action shall be stated in the minutes and specific reference shall be made to the requirements not met. If the Planning Board denies an application, it must provide written justification of the denial, which must be based on substantial evidence of

inconsistencies between the application and this Ordinance. If the Planning Board fails to act within the specified time period, the application shall be considered approved; 13

- (h) The permittee or its agent shall record the Site Development Plan in the Register of Deed's office before obtaining a building permit for the subject tower. If a building permit is not obtained within twelve (12) months after the wireless facility and wireless support structure permit is issued, the permit shall expire.

(2) Content of Permit Application Package. All permit application packages must contain the following:

(a) *Site Development Plan.* A site development plan prepared by a NC Registered Land Surveyor containing the following:

- (i) The tower applicant's name and property owner's name and their addresses, scale, north arrow, vicinity map, tax parcel identification number, and the tower's latitude and longitude coordinates.

- (ii) The name, address, signature and seal of the surveyor preparing the site development plan.

- (iii) The surveyed boundary lines of the parcel(s) that will contain the proposed tower and its fall zone.

- (iv) The name, addresses and tax parcel identification numbers of all owners of property abutting the subject property.

- (v) All identifiable structures located on the parcel, all private and public roads, highways, and underground and overhead utilities.

- (vi) All existing towers on the property or any towers whose fall zone encroaches onto the property.

- (vii) The proposed tower's location, the proposed fall zone and the location of all support structures and guy line anchors.

- (viii) The ground elevation of the proposed tower's base, all proposed support structures, property corners, and a permanent site bench mark. All elevations shall be determined using the most recent available datum.

- (ix) All proposed access roads, easements or right-of-ways on or to the site, and any other improvements to the site.

(b) *Preliminary Design Plan.* A preliminary tower design plan prepared by a NC Registered Professional Engineer which shall contain the following:

- (i) The applicant's name and address, scale, north arrow, vicinity map and tax parcel identification number.

- (ii) The name, address, signature and seal of the engineer preparing the preliminary tower design plan.

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- (iii) A plan showing the base of the tower and the foundations for all guy line anchors and support structures, all proposed buildings and any other proposed improvements including access roads and utility connections within and to the proposed site.
 - (iv) A tower elevation showing the proposed lighting, all proposed antennas and other appendages.
 - (v) An elevation of each proposed set of guy line anchors.
 - (vi) The proposed tower design loads.
 - (vii) A map and description showing the service area(s) for the proposed tower's antenna(s) and/or other devices.
- (c) Wireless support structures shall be subject to the following:
- (i) Shall be engineered and constructed to accommodate a minimum number of collocations based upon their height:
 1. Support structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;
 2. Support structures greater than one hundred (100) feet but less than one hundred-fifty feet (150) shall support at least three (3) telecommunications providers;
 3. Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications carriers.
 - (ii) The equipment compound area surrounding the wireless support structure must be of sufficient size to accommodate accessory equipment for the appropriate number of telecommunications providers in accordance with Section 304(9).
- (3) *FAA and FCC Compliance Statements.* The applicant shall provide written statements from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) showing that the proposed tower complies with all permit regulations administered by that agency or evidence that the proposed tower is exempt from those regulations.
- (4) *Fees.* The total fees for reviewing a non-administrative permit application shall be in accordance with the fee schedule as set by Polk County. Applications for new wireless support structures with proposed wireless facilities shall be considered together as one application requiring only a single application fee.
- (5) Concealed wireless facilities shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

- (6) *Setbacks.* Unless otherwise stated herein, each wireless support structure shall be set back from all property lines a distance equal to its engineered fall zone. Property located within the tower's fall zone shall not be subdivided as long as the tower is standing.
- (7) *Height.* Wireless support structures shall not exceed a height equal to two hundred (200) feet from the base of the structure to the top of the highest point, including appurtenances.
- (8) *Aesthetics.*
- (a) *Lighting and Marking.* Wireless facilities or wireless support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- (b) *Signage.* Signs located at the wireless facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit signage that is approved for other uses on property on which wireless facilities are located (e.g., approved signage at locations on which concealed facilities are located).
- (c) *Structure.* Towers shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable Federal or State regulations. The tower and equipment shall be located, designed, and/or screened to blend with the existing natural, or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.
- (9) *Accessory Equipment.* Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the wireless facility or wireless support structure. Any equipment not used in direct support of such operation shall not be stored on the site.
- (10) *Fencing.* Ground mounted accessory equipment and wireless support structures shall be secured and enclosed with a fence not less than eight (8) feet in height.

ARTICLE IV

Section 401. Miscellaneous Provisions.

- (1) *Abandonment and Removal.* If a wireless support structure is abandoned, and it remains abandoned for a period in excess of twelve (12) consecutive months, the County may require that such wireless support structure be removed only after first providing written notice to the owner of the wireless support structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the wireless support structure within sixty (60) days of receipt of said written notice. In the event the owner of the wireless support structure fails to reclaim the wireless support structure within the sixty (60) day period, the owner of the wireless support structure shall be required to remove the same within six (6) months thereafter. The County shall ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

- (2) Variance. When unnecessary hardships would result from carrying out the strict letter ¹⁶of this ordinance, an applicant may submit a completed application for a variance in accordance with Article X, Section 10.6 of the Polk County Zoning Ordinance. The Board of Adjustment shall hear and decide all variance requests in accordance with Article X, Section 10.6 of the Polk County Zoning Ordinance.
- (3) Appeals. The Board of Adjustment shall hear and decide appeals of decisions arising out of this ordinance in accordance with Article X, Section 10.4 of the Polk County Zoning Ordinance.

ARTICLE V

Section 501. Wireless Facilities and Wireless Support Structures in Existence on the Date of Adoption of this Ordinance.

- (1) Wireless facilities and wireless support structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.
- (2) Activities at Non-Conforming Wireless Support Structures. Notwithstanding any provision of this Ordinance:
- (a) Ordinary maintenance may be performed on a non-conforming wireless support structure or wireless facility.
 - (b) Collocation of wireless facilities on an existing non-conforming wireless support structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the administrative approval process defined in Section 304; provided that the collocation does not substantially modify the size of the equipment compound at that location or otherwise substantially modify the existing non-conformity.
 - (c) Substantial modifications may be made to non-conforming wireless support structures utilizing the non-administrative permit process defined in Section 304 of this Ordinance.

ARTICLE VI

Section 601. Severability

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 602. Conflict with Other Laws

Whenever the regulations of this Ordinance conflict with the requirements of another North Carolina or federal statute or Polk County Ordinance, the more restrictive standard shall govern.

Section 603. Effective Date

This Ordinance shall take effect and be in force on the 16th day of June, 2014, adopted on the 16th day of June, 2014.

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Ted Owens, Commission Chair

Attest:

Beth Fehrmann, Clerk to the Board

Approved as to content & form:

County Attorney

If you stand till for too long the kudzu will cover you!

What is Kudzu.....

Kudzu is a deciduous woody vine that may reach 35 to 100 feet in length. The leaves are alternate and pinnately compound,



with three leaflets. The yellow-green to gray vine may reach a thickness of 10 inches in diameter. Small, pea-like lavender flowers appear in June to September. Flattened pods, 1.5 to 3 inches in length, mature from September to January.

Kudzu is good at eliminating erosion and it is great for livestock forage. The problem

is that it's such a fast growing plant that it overwhelms the native plant environment, creating a monoculture of kudzu and nothing else. This fast growth makes the plant very invasive and hard to control.

How do I kill Kudzu? Organic methods.....

Killing Kudzu organically can be quite difficult as it can be very labor intensive.

-Mowing

-Repeated cuttings to the ground for 2 or more years can eliminate the vine by causing it to burn more stored food than it can produce.

Digging

-Digging is a very hard thing to do but it is not impossible. It's easier if the kudzu is mowed first. Only the root crown needs to be removed. The large tubers have no ability to re-sprout and neither do the lateral roots. Buried vines may resemble lateral roots but they can re-sprout so they will need to be removed.



Goats

- Goats are voracious eaters and are able to eliminate kudzu in the same way as mowing. It can take up to 3 years to eliminate the plant but it will happen. There

are several places in our area that you can rent goats for this purpose.



Common Chemical Removal Methods.....

Glyphosate 41%

- 2-3 ounces per gallon
- Repeat applications will be necessary for control
- Non-selective
- Best applied in the late summer

2,4D/Triclopyr (Crossbow)

- 2 ounces per gallon
- Will not harm grasses but will kill other broadleaf plants.
- Apply midseason when in active growth
- A second application will be necessary

Uses of Kudzu....

- Kudzu is an excellent high protein forage for cattle. There are many examples of cattle herds that survived extreme droughts due to the availability of kudzu. In fact, NC Cooperative Extension had a publication on planting kudzu at one time.

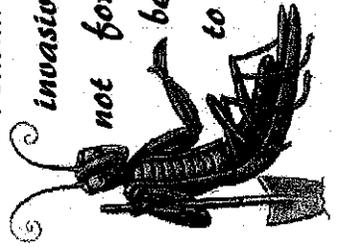
-Kudzu blossoms make an excellent and desirable jelly.

-Kudzu vines are used to make baskets, shelters as well as many other projects.

-The kudzu tuber is a great source of starch and is often ground into a powder and sold as a food/health supplement.

-The leaves, flowers, vine tips and roots are edible.

Kudzu is an extremely invasive plant but lets not forget that it has benefits. It's up to the individual to determine if they out way the bad.



NC Cooperative Extension Service

Polk County Center

60 Gibson Street (Physical)

PO Box 187 (Mailing)

Columbus, NC 28722

Phone: 828-894-8218

Web: <http://polk.ces.ncsu.edu>

Scott Welborn

County Extension Director/Horticulture

E-mail: scott_welborn@ncsu.edu

POLK COUNTY

North Carolina

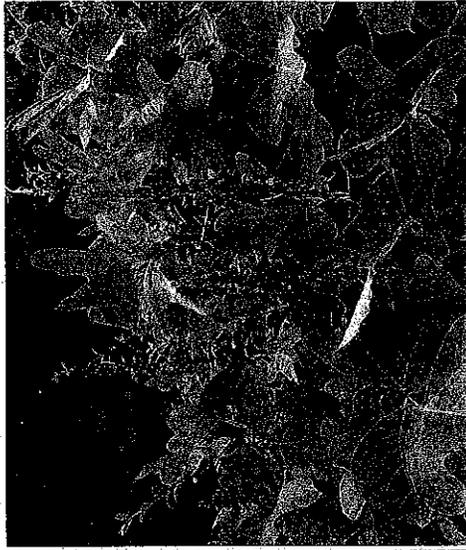
NC STATE

EXTENSION

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An Invasive Plant



Origin:

Kudzu was introduced to the United States in the late 1800's from Asia to stop severe erosion. It was also planted as livestock forage due to it's high protein content and extreme drought tolerance.

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**RESOLUTION
ENDORISING THE APPLICATION FOR
COMPREHENSIVE BICYCLE AND PEDESTRIAN PLANNING GRANT FUNDS
BY THE TOWNS OF TRYON AND COLUMBUS, NC**

WHEREAS, the North Carolina Department of Transportation, Division of Bicycle and Pedestrian Transportation, has established a Bicycle and Pedestrian Planning Grant which provides funding to projects that will result in comprehensive local bicycle and pedestrian transportation plans; and

WHEREAS, the Towns of Columbus and Tryon intend to apply for funding from the North Carolina Department of Transportation for a joint comprehensive bicycle and pedestrian plan; and

WHEREAS, a portion of the study area for the plan will include unincorporated areas between the towns and along NC Hwy. 108 towards Mills Spring; and

WHEREAS, the Polk County Board of Commissioners strongly supports cooperation between government entities in Polk County; and

WHEREAS, the development of the proposed bicycle and pedestrian plan will identify priorities in each town and help secure funding for those projects from the North Carolina Department of Transportation and various grants sources.

NOW THEREFORE, be it resolved that the Polk County Board of Commissioners hereby endorses the application by the Towns of Columbus and Tryon.

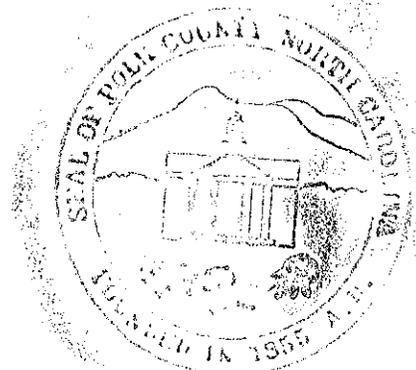
Approved on this 7th day of November, 2016.

POLK COUNTY BOARD
OF COMMISSIONERS

Michael V. Gage
Chair

ATTEST:

Beth Fehrmann
Clerk to the Board



**RESOLUTION
AUTHORIZING COUNTY LINE SURVEYING**

WHEREAS, the North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county boundaries; and

WHEREAS, the work can be done at the invitation of the counties involved at no cost to the county government; and

WHEREAS, in order to initiate the process, the county should identify the county's ambiguous or uncertain boundaries and must appoint a "Special Commissioner of Boundaries"; and

WHEREAS, the Counties of Polk and Rutherford request the adjoining boundaries between these two counties be resurveyed in order to determine the correct boundary lines.

NOW, THEREFORE, BE IT RESOLVED by the Polk County Board of Commissioners that:

1. As a result of the age of the current tax maps and the unavailability of reliable survey data, the Board of Commissioners deems that Polk County's boundaries adjoining Rutherford County are uncertain.
2. The Board of Commissioners hereby appoints Ms. Melissa Bowlin, Polk County Tax Administrator, as Polk County's Special Commissioner of Boundaries.
3. The Board of Commissioners requests that Polk County's lines be surveyed by the North Carolina Geodetic Survey.
4. This resolution shall be in full force and effect upon its adoption.

Approved on this 7th day of November, 2016.

POLK COUNTY BOARD
OF COMMISSIONERS

Michael V. Gage
Chair

ATTEST:

Beth Fehrmann
Clerk to the Board

POLK COUNTY FINANCE

BUDGET AMENDMENT: APPROPRIATE FUND BALANCE

DATE: 11/7/2016 BOC Meeting

Dept.: Governing Body

BATCH #: _____ LINE _____

Amendment # : 1

INCREASE EXPENSE

INCREASE FUND BALANCE APPROPRIATED

GL ACCOUNT #		
10-4110-5000-0	Capital	\$ 205,000

GL ACCOUNT #		
10-3991-0000	Fund Balance Approp	\$ (205,000)

EXPLANATION: To appropriate General fund balance to purchase the Polk County School Bus Garage

Date approved & entered into the BOC minutes

COUNTY MANAGER

FINANCE OFFICER

BUDGET AMENDMENT: CONTINGENCY
DATE: 11/7/2016 BOC Meeting
Dept: **Governing Body**

BATCH #: _____ LINE _____
(for accounting use only)

Amendment # : 2

INCREASE EXPENSE

DECREASE CONTINGENCY

Description	GL ACCOUNT #	Amount
10-4110-5000-0	Capital	\$ 3,500

Description	Amount	GL ACCOUNT #
Contingency	\$ (3,500)	10-9300-9910-0

EXPLANATION: To increase Governing Body budget for the purchase and installation of flagpole at the Doughboy statue in Columbus

Date approved & entered into the BOC minutes

COUNTY MANAGER

FINANCE OFFICER

Polk County Finance
 Contingency Balance
 Schedule of Budget Amendments

Contingency

Original Budget at July 1, 2016 \$ 102,709

<u>Department</u>	<u>Unbudgeted Expense</u>	<u>Amount</u>	
Transfer to CIP	Courthouse Wall project	\$ 3,515	08/08/16
Governing Body	Flagpole	3,500	11/07/16 Request

Total to date \$ 7,015

Note: Negative amounts are increases to contingency NOT uses of contingency

Budget in contingency if approved \$ 95,694

POLK COUNTY VOLUNTEER BOARDS
November 7, 2016 - Regular BOC Meeting

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APPLICATIONS FOR VOTE

Transportation Advisory Board – 2 Applications, 2 Vacancies

* Charles Fousek

* Kathleen Kent

APPLICATIONS FOR REVIEW

* **CURRENT MEMBER SEEKING ANOTHER TERM.**

**Volunteer board
applications are
available for review
upon request.**

**Contact Beth Fehrmann,
Clerk to the Board,
@ 894-3301 Ext. 221.**
