

**MINUTES OF THE MADISON COUNTY PLANNING AND ZONING
COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 11TH DAY OF
MARCH, 2010 AT 9:00 A.M. AT THE MADISON COUNTY
COMPLEX BUILDING.**

BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 11th day of March, 2010 at 9:00 a.m. in the Madison County Complex Building.

Present: Brad Sellers, Zoning Administrator
Ken Steere
William Amadio
Reverend Henry Brown
Reverend Bennie Lockett, Chairman

There first came on for consideration the minutes of the February 11, 2010 meeting of the Madison County Planning and Zoning Commission. Upon Motion by Commissioner Brown, seconded by Commissioner Steere, with all voting "aye", Motion to Approve the Minutes passed.

There next came on for consideration the Petition for a Special Exception for Public-Quasi/Public Facility of CellularSouth located at 2340 Loring Road. The Petition was introduced to the Commission by Zoning Administrator Brad Sellers. Zoning Administrator Sellers informed the Commission that the Petition is requesting a Special Exception to construct and operate a 300 foot self-supporting communication tower to replace a temporary tower that is currently in existence in Camden, Mississippi, which was previously approved by the Madison County Board of Supervisors. Chad R. Mullen appeared on behalf of the Petitioner. Mr. Mullen informed the Commission that the temporary tower has been in place for 8 to 9 months and that CellularSouth has worked closely with the Madison County Board of Supervisors in order to attempt to provide better coverage to north Madison County. He stated that the subject location would be west of the intersection of Highway 17 and Loring Road and that this property has been selected in order to maximize the coverage that can be provided to the Camden area, the Highway 17 area and the Highway 51 area. He stated that the property is currently zoned as agricultural and that all set backs required under the ordinance have been met. He assured the Commission that all state, federal and local rules would be satisfied in the construction of this tower and that the tower would be amenable to co-location with other cell phone service providers. Mr. Mullen stated that CellularSouth is aware of the AT&T tower to the north but advised the Commission that the AT&T tower would not support the CellularSouth co-location requirements and that it would leave significant coverage gaps as symbolized by tab 4 of CellularSouth's application for the Special Exception. The Petitioner informed the Commission that this site provides the best continuous coverage in that it will link with coverage provided by towers along Highway 51 in Madison County.

Commissioner Amadio inquired as to whether the tower contained dual lighting to which the Petitioner responded in the affirmative. Commissioner Amadio next inquired as to height of the tower to which the Petitioner advised that the proposed tower is a 300 foot free-standing tower. Commissioner Steere inquired as to whether the County would have access to the facility to which the Petitioner responded in the affirmative.

John Brown appeared in opposition. He lives next to the proposed site and stated that the proposed tower is next to his driveway leading to his house. He expressed concerns with a decrease in his property value and advised that his opinion was that this was not a good location. He communicated that he does not like the sight of a tower next to his home and that Madison County has a significant amount of rural areas for which this site could potentially be located as opposed to the location adjacent to his residence. He also informed the Commission that the proposed site is directly across the street from another house. Zoning Administrator Sellers requested that Mr. Brown demonstrate the location of his home on a map of the proposed site, and Mr. Brown complied. Zoning Administrator Sellers then published this information to the Commission for their review.

Chad Mullen next addressed the Commission again. Mr. Mullen informed the Commission that he previously approached Mr. Brown to talk with him about locating the tower on his property. He stated that the site that is the subject of the current proposed tower is 250 feet from his drive and that his home is half a mile off Loring Road. He also informed the Commission that studies have been conducted with respect to the effect of cell phone towers in connection with property values and that the results of these studies indicate that the towers do not have any effect on residential property values.

Mr. Brown again addressed the Commission. He communicated his position that true property values are determined based upon the ability to sell the property. He stated that a cell tower is a negative factor and would effect the value and the potential to market and sell his property. He advised the Commission that he currently lives on 144 acres and had talked with CellularSouth about placing the proposed tower in the far back corner of his property but that CellularSouth would not agree due to the fact that it would be too expensive to build a road to access the facility.

Commissioner Brown inquired as to the location of the current temporary tower. The Petitioner informed the Commission that it is south of the Post Office in Camden, Mississippi. Commissioner Brown next inquired as to why CellularSouth does not locate the permanent tower at the location of the current temporary tower. The Petitioner informed the Commission that CellularSouth would need the approval of the State Historic Preservation Office and that, although the buildings in the Camden area, such as the Post Office, are not old enough to currently be placed upon the historical register, they are old enough to be nominated in the near future. The Petitioner stated that this fact has eliminated the option of placing the permanent

tower at the location of the current temporary tower. The Petitioner stated that they have conducted balloon tests with respect to potential coverage and that the balloon tests have generated results which indicate that the current proposed location was the best site to provide coverage to the Camden area without interfering with the historical issues.

Commissioner Brown next inquired as to the distance between the road and the proposed site to which the Petitioner stated that it was approximately 1000 to 1200 feet from the road. Commissioner Steere inquired as to whether CellularSouth considered placing the permanent tower on the school property located in the Camden area to which the Petitioner advised the Commission that if the permanent tower were located on school land, the intended coverage goals could not have been met.

Upon Motion by Commissioner Brown, seconded by Commissioner Steere, with all voting "aye", Motion to table the Petition for further consideration, passed.

There next came on for discussion the issue of attorney's fees. Upon Motion by Commissioner Brown, seconded by Commissioner Amadio, with all voting "aye", Motion to Approve Attorney's fees passed.

There next came on for discussion setting the date for the April, 2010 meeting of the Madison County Planning and Zoning Commission. April 8, 2010 was suggested. Upon Motion by Commissioner Brown, Seconded by Commissioner Steere, with all voting "aye", Motion to Set the April, 2010 meeting of the Madison County Planning and Zoning Commission for April 8, 2010, passed.

With there being no further business, the meeting was adjourned at 9:30 a.m.

April 8, 2010
Date

Bernie Laporte
(Chairman)