

Town of Arlington

5854 Airline Road, Arlington, TN 38002



MINUTES

Board of Zoning Appeals

December 4, 2012

6:00 P.M.

I. INVOCATION

Russ Campbell led the opening prayer.

II. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Present

Glen Bascom

Russ Campbell

R. L. Achelpohl

Samuel Murrell

Others Present

Gerald Lawson, Attorney

Heather Sparkes, Planner

Theresa Smith, Clerk

See List

Absent

Debbie Wiseman - Resigned

Chairman Glen Bascom called the meeting to order, noted that a quorum was established.

III. ELECTION OF OFFICERS – CHAIRMAN, VICE CHAIRMAN AND SECRETARY

Glen Bascom stated that it was time for the Board of Zoning Appeals (BZA) members to elect a Chairman, Vice Chairman and Secretary for 2013.

Main Motion: Russ Campbell made a motion to elect Glen Bascom for the position of Chairman. R. L. Achelpohl seconded the motion.

Mr. Bascom called for discussion. Hearing no response, he called for a motion.

Vote on Motion: The motion carried unanimously.

Main Motion: Russ Campbell made a motion to elect R. L. Achelpohl for the position of Vice Chairman. Samuel Murrell seconded the motion.

Chairman Bascom called for discussion. Hearing no response, he called for a motion.

Vote on Motion: The motion carried unanimously.

Main Motion: R. L. Achelpohl made a motion to elect Russ Campbell for the position of Secretary. Samuel Murrell seconded the motion.

Mr. Bascom called for discussion. Hearing no response, he called for a motion.

Vote on Motion: The motion carried unanimously.

IV. APPROVAL OF MINUTES

Chairman Bascom called for a motion to approve the August 9, 2012, minutes.

Motion: Russ Campbell made a motion to approve the minutes of the August 9, 2012, meeting as presented. Samuel Murrell seconded the motion. The motion carried unanimously.

V. OTHER AS PROPERLY PRESENTED

There was no old business to come before the Board.

VI. NEW BUSINESS

- A. Reading of Request -- A request presented by Goforth Planning & Management, LLC, on behalf of River City Church, to grant a Conditional Use Permit for a place of worship in the RS-15, Single Family Residential District on property located on the north side of Hwy 70, east of Collierville Arlington Road.

Chairman Glen Bascom disclosed that he is a partner in the property being purchased.

Chairman Bascom recognized Heather Sparkes, Town Planner, who provided the analysis (on file). Ms. Sparkes stated that this is a request for a conditional use permit for a church or place of worship in the RS-15, Medium Density Residential Zoning District. She noted that the subject property is 5.01 acres in size and is located on the north side of Highway 70, east of Collierville Arlington Road. This request is a master plan for a 20,000 square foot building and associated parking, to be constructed in three phases. Ms. Sparkes reviewed each phase with regard to the square footage, parking, and detention, and advised that each phase will require Planning Commission (PC) site plan approval. She read into the record the four standards for approving a conditional use permit, as well as the seven specific provisions to be considered for a church or place of worship in the proposed zoning district. Ms. Sparkes advised that the Planning Commission approved an advisory opinion with recommended conditions for the BZA to consider. She reviewed the current zoning of the surrounding properties and the specifications regarding access, parking and loading, open space requirements, grading and drainage, and compliance with the Land Development Plan. She noted that a site plan will be presented to the Planning Commission and to the Design Review Committee (DRC) for review and approval for each phase of construction. Ms. Sparkes noted that the applicant's representative was present to answer questions. Chairman Bascom

opened the floor for public comments. He advised that anyone for or against this item has two minutes, and requested the speaker come to the podium and state name and address for the record. Hearing no reply, Chairman Bascom closed the public comments.

Chairman Bascom called for a motion.

Main Motion: Russ Campbell made a motion to grant a conditional use permit for a place of worship for River City Church in the RS-15 Single Family Residential District on Highway 70 subject to compliance with all Staff conditions as presented. R.L. Achelpohl seconded the motion.

Chairman Bascom called for discussion and recognized Russ Campbell who requested clarification that the Design Review Committee would review the lighting requirements. Ms. Sparkes responded yes and noted that this is a condition of approval. Chairman Bascom called for further discussion. Hearing none, he called for a vote.

Roll Call Vote on Motion: Murrell – Yes; Campbell – Yes; Achelpohl – Yes; Bascom – Abstain.

The motion passed with 3-Yes and 1-Abstain.

Conditions of Approval:

1. All construction improvements within the development shall be in compliance with the Town of Arlington Zoning Ordinance, Subdivision Regulations and Technical Specifications, as directed and approved by the Town Engineer, unless otherwise noted on the Site Plan.
2. Landscaping, lighting, building elevations and signage shall be reviewed and approved by the Design Review Committee in accordance with the Town of Arlington Design Review Manual.
3. Should the Board of Zoning Appeals approve the conditional use permit, a site plan shall be submitted to the Planning Commission, along with all required documents and plans, for review and approval. A site plan application shall subsequently be submitted to the Design Review Committee, along with all required documents and plans, for their consideration.
4. The site will be required to comply with all regulations of the Tennessee Department of Environment and Conservation and Tennessee Department of Transportation for site improvements.
5. Prior to construction of each phase, a site plan application shall be submitted to the Planning Commission for review and approval. Each site plan shall comply with the then current bulk regulations and any other applicable regulations, ordinances and Design Guidelines at the time the site plan is submitted for each phase of construction.
6. A new conditional use permit will not be required for each phase of development unless it varies materially from the approved plan.

7. The maximum building square footage permitted with this conditional use permit is 20,000 square feet. Any increase above this will require approval of the Board of Zoning Appeals.
8. The applicant must execute a Development Contract with the Town for any public improvements.

B. Reading of Request – A request presented by Faulk & Foster, on behalf of Cellular South (C-Spire), to grant a Conditional Use Permit for a wireless communications facility on the RS-18, Single Family Residential District on property located on the north side of Brockwell Street, east of Polk Street, adjacent to the MLGW water tower.

Chairman Bascom recognized Heather Sparkes, Town Planner, who provided the analysis (on file). Ms. Sparkes stated that this is a request for a conditional use permit for a wireless communication facility in the RS-18 Low Density Residential District. She noted that the property is a one-acre parcel on the north side of Brockwell Street, east of Polk Street, and is located on the north side of the MLGW water tower site. Ms. Sparkes stated that the proposed tower is 120-foot monopole tower with an eight-foot wood fence around the base that will screen the ground-mounted equipment. She noted that all antennas will be inside the tower and site access will be from Brockwell Street. Ms. Sparkes advised and read into the record the standard conditions of approval to be considered by the BZA when approving a conditional use permit, as well as the specific provisions for wireless communications facilities in the RS-18: Low Density Residential District that must be considered. Ms. Sparkes advised that wireless communication facilities are also governed by the Federal Telecommunications Act in US Code Title 47, and this code identifies local zoning authority, but there are limitations, which she read into the record. Ms. Sparkes reviewed the surrounding properties' zoning and advised that the Land Development Plan and Future Land Use Map identifies this site as an Institutional Use due to the existing MLGW water tower on the site. Ms. Sparkes advised that the Planning Commission did consider the request for an advisory opinion on November 19, 2012, and recommended approval with several conditions, which are provided in the staff report.

Chairman Bascom opened the floor for public comments regarding the Brockwell location. He advised that anyone for or against this item has two minutes, and requested the speaker come to the podium and state name and address for the record.

Chairman Bascom recognized Nancy Reed, 11947 Brockwell Street, who noted that 120 feet is about the equivalent of a ten-story building. She noted that the tower will have a light beacon on top. She stated that the residents will be subject to light pollution coming through their windows at night. She stated that based on her research, most real estate agents note that home values in areas near communication towers drop as much as ten percent and is not recoverable. She advised that this loss in value is not acceptable. She stated that the water tower was there when she bought her property a year and a half ago, and it was not a problem for her. Ms. Reed also stated that there are emission problems that pose health risks such as sleep loss, fatigue and cancer. She noted that Brockwell is a narrow street and believes that the traffic and noise will increase, and she does not feel

that this quiet neighborhood needs this additional nuisance. Chairman Bascom thanked Ms. Reed for her comments.

Chairman Bascom recognized Gary Whittam, 5269 Summer Meadows Lane, who stated that he understands the main purpose of this hearing is to provide a sanity check of this permit process. He noted that the Telecommunication Act of 1996 was discussed and stated that in some communities the Telecommunications Act has been a method to allow wireless providers to build whatever and wherever they want, and he is hoping that this is not the case tonight. He stated that after reviewing the application, he is very concerned. He noted that the laws allow the towers to be built even though some may consider them an eyesore or a health risk, and these same laws require the provider to present proof that the type of tower being installed and the location is the least intrusive for the area proposed. Mr. Whittam noted that the proposed tower requires a 240-foot by 240-foot fall radius and the proposed lot does not meet the requirement, and whereas the monopole is described as self-collapsing, meaning a reduced fall radius, this is not possible at this location due to the existing water tower. He noted that Arlington has experienced straight-line winds and tornados which could cause the tower to be knocked over; therefore, if the tower were to be located in this site, the water tower should be removed. Mr. Whittam noted that the Telecommunications Act of 1996 also advises that other technologies also need to be looked at; therefore, he feels that other technologies and other locations need to be explored before approving this request. He noted that the application does not list other structures or locations that were looked at and as he understands, this is a requirement of both the Arlington Zoning Ordinance and the Telecommunications Act. Chairman Bascom advised Mr. Whittam that his time had expired and thanked him.

Chairman Bascom recognized Todd Recter, 11985 Brockwell Street, who pointed out where he and some of his neighbors live and noted that the construction of this communications tower will obstruct their view and add something ugly to look at. He stated that he accepts that there is a water tower. He stated that he doesn't want to keep C-Spire from having service in the area, but there are current cell towers they can add on to. Chairman Bascom thanked Mr. Recter.

Chairman Bascom recognized Troy Miller, 11939 Brockwell Street, who advised that he does not know if health risks are involved, but this is proposed to be located 500 yards from the elementary school. He noted that this means a lot of children could be affected if there are, in fact, health risks. Chairman Bascom thanked Mr. Miller.

Chairman Bascom recognized Raines Sojourner, 5842 Polk Street, who stated that one of his biggest concerns is the light nuisance created by the beacon because most of his home's windows will face the water tower. He stated that he does not like the diminishing property value aspect of having this tower in the proposed location. He noted that he has a problem with the potential emissions, whether or not they are a health risk. He expressed his appreciation to the Town for looking after the welfare of its citizens. Chairman thanked Mr. Sojourner.

Chairman Bascom recognized James Watts, 11199 Brockwell Street, who advised that his home is to the south of the proposed tower location. He noted that he has researched towers, and believes that eventually more antennas will be added. Mr. Watts advised that

he has tried to sell his property and prospects have considered the water tower to be a deterrent, and he believes another tower will only add to that fact. Mr. Watts noted that in his opinion the water tower is inoperable and should be removed. He stated that he sees no value to property owners or the Town to allow the tower to be constructed at this location. Chairman Bascom thanked Mr. Watts.

Chairman Bascom recognized Jennifer Walls, 5883 Chester Street, who advised that her property runs around the tower. She stated that she researched the same information regarding high radiation emissions and advised that towers working at capacity can emit 1800 megahertz of radiation 24-7. She also advised that a light on the tower will affect her family, and her family's health is a concern. She noted that she is concerned about the tower falling on her property. Ms. Walls stated that she doesn't see any benefit to having the tower in this location. She advised that they were approached regarding installation of the tower on their property, and they declined due to the potential health risks to people in the area and the children at the school. She thanked the Board for hearing their concerns. Chairman Bascom thanked Ms. Walls.

Chairman Bascom recognized Dennis Eckert, 11962 Brockwell Street, who stated that his property is directly next to the proposed cell tower location. He advised that he is opposed to the tower. He advised that he is considering adding on to the side of his house that faces the cell tower and believes that the tower could hurt his chances of ever selling his home. Mr. Eckert stated that he hopes the Board would take this into consideration before voting. Chairman Bascom thanked Mr. Eckert and closed public comments.

Chairman Bascom called for a motion.

Main Motion: Russ Campbell made a motion to grant a Conditional Use Permit for a wireless communications facility in the RS-18, Single Family Residential District on property located on Brockwell Street, subject to compliance with all Staff conditions as presented. R.L. Achelpohl seconded the motion.

Chairman Bascom called for discussion and recognized Belinda Bodie, 1811 Auburn Avenue, Monroe, LA 71201, the applicant's representative. Chairman Bascom advised the audience that motions are made in the affirmative. Chairman Bascom recognized Russ Campbell who stated that after hearing comments regarding lights on the cell tower, he wanted to clarify that because aircraft fly over Arlington, the lights are for the health and safety of citizens. Mr. Campbell noted that while the requirement in Section 10.5.4.2, 4), requires the tower to be necessary for public convenience in a location, he is not sure that the tower is "necessary" in the Brockwell location and there may be other locations that would suit the needs of Cellular South (C-Spire) and not be in a residential area. Mr. Campbell stated that prior to voting on the conditional use permit, he would like the Board to defer this item to allow the applicant time to consider an alternative location. He stated that in his opinion not enough research was done to show that this is the only suitable location for this tower. Chairman Bascom stated that while citizens expressed concerns regarding potential health risks, he is not convinced that this is relevant, and noted that many towers actually locate on schools and in parks. Chairman Bascom cautioned citizens not to leave the meeting thinking that a different location would not involve a school or park in Arlington. He commented that as he understands

it, the MLGW tower may be taken down in the next year or two. Chairman Bascom recognized Mr. Achepohl who requested the height of the existing water tower and the circumference of the monopole. Ms. Bodie responded that the water tower is 80 feet and the monopole has a three-foot base. Chairman Bascom recognized Gerald Lawson, Town Attorney, who advised that the Federal Telecommunications Act prohibits taking into consideration potential health risks, so whatever the decision is, it cannot be based on health concerns. Chairman Bascom reiterated that he thinks the proposed location is the wrong location for this tower and recognized Ms. Bodie who advised that they are open to having this item deferred so that another location can be considered. Ms. Bodie asked for a time limit in which to bring the item back. It was determined that the Town could defer this item for up to six months and bring it back to the BZA without having to re-start the process. A motion was made.

Primary Amendment: Russ Campbell made a motion to defer, for up to six months, voting on the request to grant a conditional use permit in order to consider another location. Samuel Morrell seconded the motion.

Chairman Bascom called for further discussion. Hearing none, he called for a vote.

Roll Call Vote on Motion: Murrell – Yes; Campbell – Yes; Achelpohl – Yes; Bascom – Yes.

The motion carried unanimously.

Mr. Campbell withdrew his main motion and Mr. Achelpohl withdrew his second.

Chairman Bascom advised that the item will be deferred for up to six months to allow the applicant time to consider another location for the telecommunications tower.

Mr. Achelpohl commented that he understands that residents are concerned about the location of the cell tower and noted that if he lived nearby, he may feel the same way. He stated that, in his opinion, the applicant met all the requirements and approval of the conditional use permit could have been legally granted. Mr. Achelpohl noted that it is possible that the application may come back to the BZA within the next six months for the same location.

- C. Reading of Request – A request presented by Faulk & Foster, on behalf of Cellular South (C-Spire), to grant a Conditional Use Permit for a wireless communications facility in the E-Estate Residential District on property located south of Milton Wilson Road, west of Airline Road.

Chairman Bascom recognized Heather Sparkes, Town Planner, who provided the analysis (on file). Ms. Sparkes stated that this is a request for a conditional use permit for a wireless communication facility in the E: Estate Residential Zoning District, to be located on the south side of Milton Wilson Road, west of Airline Road. Ms. Sparkes advised that the tower is a 150-foot monopole tower, with a setback 160 feet from the west property line and 237 feet from the north property line, and an eight-foot wood fence around the base to screen the ground mounted equipment. Ms. Sparkes advised and read into the record the standard conditions of approval to be considered by the Board of Zoning

Appeals (BZA) for approving a conditional use permit. She also read into the record specific provisions that must be considered regarding wireless communications facilities in the E: Estate Residential District. Ms. Sparkes stated that wireless communication facilities are also governed by the Federal Telecommunications Act in US Code Title 47, and this code identifies local zoning authority and their limitations, which she read into the record. Ms. Sparkes reviewed the zoning for the surrounding properties, and noted that the BZA should take into consideration the Land Development Plan which identifies the future land uses as office employment note and neighborhood commercial. She advised that on November 19, 2012, a preliminary site plan was presented to the Planning Commission for an advisory opinion to be forwarded to the BZA, and their recommended conditions of approval are included in the staff report. Chairman Bascom opened the floor for public comments noting that each speaker has two minutes to speak for or against, and that name and address be stated for the record.

Chairman Bascom recognized Tony Brown, 11663 Bitter Bush Lane, who stated that the proposed location is in a valley that will lower the height of the tower by 20 to 30 feet; therefore, he does not see this as an optimum location. Mr. Brown stated that he believes there are other locations that would provide better coverage. Chairman Bascom thanked Mr. Brown.

Chairman Bascom recognized Gary Whittam, 5269 Summer Meadows Lane, who advised that all he is asking is that the Town ensures that cell towers are kept at least 500 feet away from homes. He stated that the Telecommunications Act says that proof must be provided that the location is the least intrusive area and the tower is the least intrusive technology. Mr. Whittam also noted that the drop in elevation on the proposed lot would create a shorter tower. He concluded by requesting a change in the ordinance so that cell towers are installed at least 500 feet away from homes, provided there is a reasonable alternative. Chairman Bascom thanked Mr. Whittam.

Chairman Bascom recognized Eric Fantom, 5224 Summer Wind Lane, who stated that he does not want the tower because he considers it an eyesore, a nuisance and does not believe that they are safe. He suggested that Arlington may not want this 150-foot tower to be the first thing visitors see of the Town. Chairman Bascom thanked Mr. Fantom.

Chairman Bascom recognized Dwayne Byrd, 5216 Summer Wind Lane, who stated that he is concerned about how this tower may affect satellite television. Mr. Byrd stated that the photo he received is of a gaudy green tower, and asked why the tower can't be designed to resemble a tree like the tower on Highway 70. He advised that he would see this tower every time he goes into his back yard. Chairman Bascom thanked Mr. Byrd.

Chairman Bascom recognized Andres Garcia, 5202 Summer Wind Lane, who advised that he agreed with what many of his neighbors said and stated that he is opposed to the tower based on health and safety concerns, as well as decreased property values. He asked that another location be considered. Chairman Bascom thanked Mr. Garcia.

Chairman Bascom recognized Raines Sojourner, 5842 Polk Street, noted that the photo that was mailed by the applicant does not represent the actual height of the tower. He noted that the tower's height appears to be at the top of the tree line because the photo

was taken at an angle; however, the actual tower would be much taller than the tree line. Chairman Bascom thanked Mr. Sojourner.

Chairman Bascom recognized Lisa Field, 5276 Summer Wind Lane, who stated that she is worried about the tower's impact on her home and her children. She stated that she moved to Arlington for the small town atmosphere and appreciates the fact that the Town has been selective with regard to growth. She concluded by stating that, in her opinion, this location would be a poor choice. Chairman Bascom thanked Ms. Field.

Chairman Bascom recognized Rob Phaneuf, 5190 Summer Wind Lane, who stated that he is disappointed that the Planning Commission put forth so little effort regarding this request. He noted that a lot of effort went into ensuring that the McDonald's was built the way the Town wanted. He suggested that the Planning Commission go back and do their job. Chairman Bascom thanked Mr. Phaneuf.

Chairman Bascom recognized Nancy Reed, 11947 Brockwell Street, who agreed with Mr. Phaneuf. She suggested that with a cell tower already in the industrial area near Rich Products, this area should continue to be used because it works. She suggested that the vacant gas station be used for access in the I-40 area, and stated that towers do not belong in residential backyards. Chairman Bascom thanked Ms. Reed.

Chairman Bascom recognized Melanie Meacham, 5180 Summer Wind Lane, who advised that her family chose Arlington because they believed that the Town put its citizens first. She stated that with the high school across from the proposed location, the tower may not be the most attractive sight for visitors. She expressed her concern that the Town may create commercial spot rezoning to meet the needs of corporate industry and does not consider this to be in line with the Town's vision for growth. She stated that children and family come first and asked the members to keep that in mind when voting. Chairman Bascom thanked Ms. Meacham and closed the public comments.

Chairman Bascom called for a motion.

Main Motion: Russ Campbell made a motion to grant a Conditional Use Permit for a wireless communications facility in the E-Estate, Residential District on property located south of Milton Wilson Road, west of Airline Road, subject to compliance with Staff conditions as presented. Samuel Morrell seconded the motion.

Chairman Bascom called for discussion and recognized Mayor Mike Wissman who stated that the applicant originally looked at Arlington High School as a possible site for the cell tower and was turned down by Shelby County Schools. He advised that since the trend is towards installing cell towers on public land such as schools, he has attempted to work with officials and the applicant to try to make this happen and would continue to do so if that is what the applicant wanted. Ms. Bodie responded that because of the time and effort already invested, she would like to get a vote on this site, which does meet the current requirements of the code. She noted that when they initially approached the school, the answer was no, so they looked around and found the proposed location. She then addressed the design concerns of the proposed tower and explained that it was considered the least intrusive design; however, they would be open to suggestions. Chairman Bascom recognized Ms. Sparkes who stated that, in her opinion, a tree

camouflage may make sense when surrounded by evergreens; however, the trees on this property are deciduous and when the trees lose their leaves, the tower will stand out. Chairman Bascom discussed the future commercial growth for the area around the proposed tower site and suggested that a tower shaped like an evergreen may not blend to those surroundings. Chairman Bascom called for comments and noted that if the conditional use permit is approved, the next step will be the Design Review Committee. Chairman Bascom commented on the reasons why other locations were not deemed suitable for these cell towers, and expressed his dismay in the fact that this tower could not have been located at the high school. He stated that the BZA has a responsibility to determine if this request meets all of the conditions and if there are any other conditions that need to be levied. He noted that one of the concerns expressed was the distance from residential, and suggested that while 500 feet may be too far, 250 to 300 feet might be acceptable, and advised that 300 feet from the residential property line would be his recommendation. Chairman Bascom addressed the curb cut and advised that it is not adequate as presented and needs to be a full curb cut with a paved interior road that is pulled off the property line of the houses and moved 300 feet over and put straight in. He also suggested that the design be a collapsing tower with no light at the top. Chairman Bascom recognized Ms. Bodie who responded to his comments and advised that because the tower is less than 200 feet tall, the FAA may not require a light, and noted that this may have been a condition added by the Planning Commission. She requested that the BZA add a condition of approval if no light on the tower is preferred. Ms. Bodie addressed moving the tower and the road back 300 feet from the residential property lines and advised that they could contact the property owner to see if he would give them additional land to meet this requirement. She also requested this be added as a condition of approval. She requested a compromise regarding paving the road and noted that they are open to suggestions. Chairman Bascom recognized Russ Campbell who asked the applicant about their approach to Shelby County with regard to locating the tower at the high school. Ms. Bodie responded that the person she spoke with is still the person in charge at the Unified School District. She advised that when they go into an area they first look for existing structures and found that there were none in this area. She advised that second they look at schools, churches and parks that would meet the zoning requirements. Ms. Bodie commented that during the unification process, the School Board advised that at the time they were not interested and would not accept an application. Mr. Campbell asked if a school is a preferred site. Ms. Bodie replied that it is something they look at. They then confer with the Planning Department to see if it would be allowed. Mr. Campbell asked Ms. Sparkes for clarification regarding a conditional use permit if the tower was installed on school property. Ms. Sparkes responded that a conditional use permit would still be required. Ms. Sparkes advised that when sites were being explored about a year ago, the person doing the exploration did come to her and she suggested talking to the schools. She confirmed that he did talk with the schools and they declined the request. Mr. Campbell asked Mayor Wissman if locating the tower at the school may still be a viable option. Mayor Wissman responded that he is willing to give his assurance that he has spoken with Mike Simpson and others and they have assured him that they would cooperate in moving this forward. Chairman Bascom asked if the cell tower could be shorter than 150 feet and recognized Bob Pearce, 500 Avalon Way, Brandon, MS, who is an engineer for C-Spire Wireless. Mr. Pearce responded that the tower could be possibly 130 feet, but no shorter than 120 feet. Chairman Bascom recognized Mr. Campbell who went back to the issue of the light on the tower and stated that for safety reasons the Planning Commission determined that a

light was necessary. He also noted that since paving was required of the residential areas, it should be done for this property. Mr. Campbell suggested, based on the Mayor's assurances, that this item be deferred. There was discussion regarding the time frame for deferral. Chairman Bascom recognized Laurel Mitchell, 1018 Highland Colony Parkway, Ridgeland, MS, the Site Acquisition Manager for C-Spire. She explained that the reason that the towers are getting closer to residential is because everyone has wireless in-home phones that are being used for various technical applications. She noted that many of those attending have cell phones that they have probably used during the meeting. She stated that with the saturation of wireless technology, dropped calls and the inability to make emergency calls may become a problem. Ms. Mitchell advised that their original objective was increasing usage for residents in the area by locating at the high school. She commented that the time and expense for this project need somehow to be countered should they be required to move to another location. Chairman Bascom advised that the applicant's hard work is appreciated and suggested that, based on the longevity of the cell tower, it is worth the extra time at this end to determine if location of the tower at the school can be accomplished. He asked the applicant if they would agree to a deferral of this item. Gerald Lawson, Attorney, suggested a deferral time of up to six months, just as they agreed to with the previous application request. Chairman Bascom stated that he hopes that the residents are agreeable to what C-Spire is willing to do and called for a motion.

Chairman Bascom responded to the comment regarding the photo and stated that notification to surrounding property owners has improved over the last few years.

Primary Amendment: Russ Campbell made a motion to defer, for up to six months, voting on the request to grant a conditional use permit in order to consider another location. R.L. Achelpohl seconded the motion.

Chairman Bascom called for further discussion. Hearing none, he called for a vote.

Roll Call Vote on Motion: Murrell – Yes; Campbell – Yes; Achelpohl – Yes; Bascom – Yes.

The motion carried unanimously.

Mr. Campbell withdrew his main motion and Mr. Murrell withdrew his second.

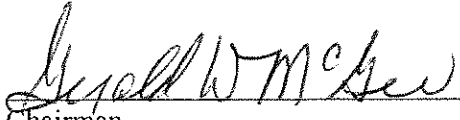
Chairman Bascom advised that the item will be deferred for up to six months to allow the applicant time to consider another location for the telecommunications tower. He advised the citizens that they will be kept informed. Chairman Bascom recognized Mr. Campbell who thanked the applicant for working with the Town and BZA and expressed his hope that everything will work out for everyone.


D. Other as Properly Presented

No other new business was presented to the Board.

VII. ADJOURNMENT

Motion: Russ Campbell made a motion to adjourn the meeting. R. L. Achelpohl seconded the motion. The meeting was adjourned.


Chairman


Date

Submitted By: Theresa Smith