

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MAY 14, 2013
7:00 PM
AGENDA

1. Meeting called to order
2. Roll call and determination of quorum
3. Approval of the March 12, 2013 minutes
4. **CASE:** 119-13-SPD-01
APPLICANT: GPD Group
LOCATION: An approximate 4,900 square foot area within property located at 10001 Morvue Drive, Alexandria, KY 41001 (Unincorporated Campbell County).
REQUEST: Approval of the location and extent of a Wireless Communication Facility including a 250 foot high tower and associated ground structures.
5. Director's Report
6. Adjournment

**IF YOU CANNOT ATTEND THE MEETING,
PLEASE CALL THE P&Z OFFICE AT 859-292-3880**

The Commission will make every reasonable accommodation to assist qualified persons attending the meeting, if there is a need for the Commission to be aware of, contact the office.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 14, 2013 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Mr. Dennis Bass
Ms. Deborah Blake
Ms. Lauri Harding
Mr. Tony Pfeffer
Mr. Edward Stubbs
Mr. Michael Williams, TPO
Mr. Justin Verst, Vice Chair

MEMBERS ABSENT:

Ms. Cindy Minter, Chair

STAFF PRESENT:

Mr. Ryan Hutchinson, Planner
Mr. Matt Smith, Legal Counsel
Ms. Stephanie Turner, Secretary

Mr. Verst called the meeting to order at 7:02 PM. Following roll call, a quorum was found to be present. Mr. Verst asked if everyone had reviewed the March 12, 2013 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Williams made a motion to approve the March 12th meeting minutes as submitted. Mr. Barrow seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Mr. Pfeffer and Mr. Williams in favor of the motion. Ms. Harding, Mr. Stubbs and Mr. Verst abstained. Motion passed.

Mr. Verst introduced case #119-13-SPD-01, GPD Group, with a request to approve the location and extent of a Wireless Communication Facility including a 250 foot high tower and associated ground structures and asked Mr. Hutchinson to present the staff report and staff's recommendation to the Commission. Mr. Hutchinson informed the Commission that there is only one case on the agenda tonight. The applicant is on the way, but has not arrived yet. The applicant needs an approximate additional twenty minutes to arrive. Mr. Hutchinson asked the Commission to call a ten minute recess to allow for their travel time. Mr. Hutchinson stated that, with a ten minute recess, the applicant should arrive before he completed his staff report. Mr. Verst advised the Commission he would entertain a motion for a brief recess if that is the Commission's pleasure. Mr. Barrow made a motion for a brief recess. Mr. Williams seconded the motion. An oral vote found all members in agreement to grant the recess. Mr. Verst stated that the recess would last approximately five to ten minutes. The recess began at 7:05 pm.

Mr. Verst called the meeting back to order at 7:12 pm and asked Mr. Hutchinson to present the staff report and staff's recommendation to the Commission.

CASE: 119-13-SPD-01
APPLICANT: GPD Group
LOCATION: An approximate 4,900 square foot area within property located at 10001 Morvue Drive, Alexandria, KY 41001 (Unincorporated Campbell County).
REQUEST: Approval of the location and extent of a Wireless Communication Facility including a 250 foot high tower and associated ground structures.

Considerations:

1. The site in question is located at 10001 Morvue Drive, Alexandria, Kentucky (Unincorporated Campbell County). The proposed cell tower location is approximately 604 feet northwest of the northern terminus of Morvue Drive.
2. The zoning for the site in questions is R-RE (P) Residential Rural Estate (Phased) Zone. The R-RE(P) Zone requires a minimum lot size of one acre, lot widths of 100 feet, minimum setback dimension of 50 feet, side yards of 10 feet (one side) and 25 feet (total both sides), and a minimum rear yard depth of 35 feet. The subject property meets these zoning requirements. Zoning for the properties to the north, west, and south is also R-RE (P). Zoning for the property to the east is R-1C Single-Family Residential.
3. The 2008 Campbell County Comprehensive Plan Update designates the site for higher density single-family residential uses.
4. The current land use for the site in question, as well as the surrounding properties, is a combination of single-family residential and some vacant land. Low-density, single-family residential (i.e. one dwelling unit per one acre or more) is the predominant land use.
5. The applicant has submitted the following information [*Please note that pursuant to KRS 100.987(3), this information is confidential and proprietary and is meant to be used only for CC&MP&ZC members and staff for review purposes*]:
 - a) Cellular License and Limited Partnership details.
 - b) Notice of Proposed Construction or Alteration – Off Airport to Federal Aviation Administration (FAA).
 - c) Letter stating need for new location and co-location is not possible for the service area.
 - d) Area search ring details and potential site locations.
 - e) Sample geo-technical report from G2 Consulting.
 - f) Directions to the proposed site.
 - g) Details of the proposed lease agreement.
 - h) Qualifications of persons responsible for the design of the tower.
 - i) Site plan.
 - j) Tower detail sheets.
 - k) Identification of adjacent property owners.
 - l) Sample letters of notification to adjacent property owners.
 - m) Sample letter of notification to local unit of government.
 - n) Details for proposed cell tower notification sign posted on site.
 - o) Sample legal notice.
 - p) Site photos.
 - q) Proposed compliance with current Comprehensive Plan.
 - r) Site details relative to soils and floodplain.
 - s) Determination of No Hazard to Air Navigation from FAA.
 - t) Listing of existing cell tower locations.

6. The application has the following deficiencies:

- a) *A geotechnical investigation report signed and sealed by a Professional Engineer in Kentucky.*

This item is incomplete. The submission includes a sample geotechnical report from a professional engineer licensed and registered in Kentucky. The applicant has indicated that this geotechnical report will be included as part of the building permit application.

- b) *The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.*

This item is incomplete. The submission includes does include the identity and qualifications of the site architecture and engineering for the project; however, the application does NOT include the qualifications of the construction management team. Further, the application does NOT include the qualifications of the tower design team.

- c) *The tower and foundation design plans and a description of the standard according to the tower was designed, signed and sealed by a professional engineer registered in Kentucky.*

This item is incomplete. The design plans were submitted; however, the sketch was not signed by a professional engineer licensed and registered in Kentucky. The applicant has indicated that the tower designs are dependent on the geotechnical report that will be included as part of the building permit application.

7. The applicant is proposing the following:

- a) The lease of an approximate 4,900 sq. ft. compound area.
- b) Construction of a 250' tall, self-supporting lattice tower. (Note: a letter dated February 1, 2013 from Cyntia Rafalski of AT&T references a 260' tall tower, see Tab 'A'. The remainder of the submission appears to reference a 250' tall tower.)
- c) Access to the compound area via a 12' wide gravel drive off of Morvue Drive.
- d) Installation of underground utilities to service the cell tower compound area, with related above-ground utility pedestals.
- e) Installation of an approximate 11.5' x 28', One-Story Prefabricated Radio Equipment Shelter.
- g) Installation of an 8' tall chain link fence, with a 12' wide swing gate entrance.

8. The proposed tower is located:

- a) Approximately 400' from the nearest property line.
- b) Approximately 1,100' from the nearest structure, immediately to the southeast of the tower.

9. Notice of the proposed location of the cellular tower facility was given in accordance with KRS 100.986(17), and KRS 424.

Recommendation:

To approve the location and extent of a Wireless Communications Facility, including a 250 foot high tower and associated ground structures subject to the following conditions:

- 1. That the applicant obtains final approval from the Federal Communication Commission (FCC) for the installation and operation of a wireless communications facility. The applicant shall forward a copy of the FCC approval, within two weeks of receipt, to staff.
- 2. That the applicant submits a revised site plan to address issues such as erosion control, etc. to staff for review and approval. Once the revised site plan is approved, the applicant shall comply with any and all recommendations contained within the staff approval.

3. That the applicant submits the following information prior to the submission of a building permit application:
 - a) A geotechnical investigation report signed and sealed by a Professional Engineer in Kentucky.
 - b) The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
 - c) The tower and foundation design plans and a description of the standard according to the tower was designed, signed and sealed by a professional engineer registered in Kentucky.

Bases for Recommendation:

The submitted application is consistent with the 2008 Campbell County Comprehensive Plan Update, Subdivision Regulations, Zoning Ordinance, KRS Section 100.985 to 100.987, and 807 KAR 5:063 except as noted below:

1. 807 KAR 5:063 and CAMPBELL COUNTY ZONING ORDINANCE Section 9.29 require approval from the Federal Communication Commission (in the form of a license and/or registration number) as part of the application and approval process for a wireless communication facility.
2. CAMPBELL COUNTY SUBDIVISION REGULATIONS Section 7.12: "Any developer who intends to make changes in the contour of any land...shall submit a plan for erosion and sedimentation control to the planning commission's duly authorized representative for approval."
3. Documents required by 807 KAR 5:063
 - a) *A geotechnical investigation report signed and sealed by a Professional Engineer in Kentucky.*
 - b) *The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.*
 - c) *The tower and foundation design plans and a description of the standard according to the tower was designed, signed and sealed by a professional engineer registered in Kentucky.*

Mr. Hutchinson asked if there were any questions he could answer for the Commission. Ms. Harding stated that, under Tab 2, the correspondence from the Airport Zoning Commission references at the bottom of the letter that the design plan has to include medium dual obstruction lighting as required by 602 KAR 50. This is above her head, but is that something that has been incorporated in the design submitted. Mr. Hutchinson advised Ms. Harding to ask that question of the applicant.

Mr. Hutchinson asked if there were any other questions for staff. Ms. Blake stated she had a rather simplistic question. What does limited partnership as stated in 5 a) Cellular License and Limited Partnership details? What does it mean? Mr. Hutchinson stated he believes it is referring to the partnership that was formed for the entity that was used in the lease, but he would prefer she ask her question to the applicant.

Mr. Verst asked if there were any other questions for staff. There being none, Mr. Verst asked the applicant to step forward and identify himself for the record. Mr. Ed Block with GPD Group, the engineering firm handling the application for AT&T, stepped forward. Their firm is responsible for the plans and submittal of the information to the Commission. As far as the three conditions that were listed

in the staff report, Mr. Block stated that they agreed with all of them. He just wanted to explain that this information is not available at this time because they would have to cut down numerous trees in order to get a geotechnical firm in there to do a soil test. They didn't want to destroy the trees unless they were approved for the tower. Should they be denied, they would have destroyed those trees for no reason. Once they have received approval from the Commission, the geotechnical report specifically for this site will be submitted with the building permit application along with stamped drawings.

Mr. Block addressed Ms. Harding's question regarding the tower. There are several towers out there that would meet the specifications listed on the letter. They submitted with their application a sample drawing for a tower by Sabre Industries which is possibly the one that would be granted the job because the job still has to go out for bid. They will not go out to bid until the specific geotechnical report has been completed. The Commission would be supplied with the true tower to be built drawings at the time they submit for their building permit.

In regards to the lights, any time there is a tower over 200 feet the FAA requires lighting on it. If it happens to be closer to an airport, they can be required to light the tower even if it is under the 200 foot limit. The light is there for visibility by aircrafts. The light that is provided is a dual lighting system. You may have seen the red and white painted towers. AT&T prefers not to have to deal with the tower paint issue down the road. There are two different options available. The first option – to avoid lighting the tower during the day – is to have the tower painted red and white so that it is visible during the day. During the night, it would have a red light on it. Again, if you have a tower over 200 feet, you have to have a light on it. AT&T prefers to use the dual lighting system which still has the red light at night, but has white strobe lights during the day. Again, in times of heavy fog, the white light during the day is a standard FAA lighting requirement.

In regards to the limited partnership, Mr. Block referred the question to Mr. Matt Bakota who is an attorney working with them. Mr. Bakota approached the pedestal and asked Ms. Blake to repeat her question. Ms. Blake stated she was asking for clarification on what that entails. Mr. Bakota stated he wasn't sure he understood what she was referring to. Ms. Blake stated it was under 5 a) Cellular License and Limited Partnership details. Mr. Smith stated that item was part of the uniform form that was required as part of the application process. The information may have been withheld by staff because we cannot disclose or divulge this information because it may be even a criminal offense to disseminate this information. Mr. Smith continued that staff has reviewed the entire application and, if there were any deficiencies, it would be included in their report to require this information be submitted by the applicant. Mr. Verst added that a limited partnership may be the corporation that actually owns the license or obtains the license from the FCC. Ms. Blake asked if the corporation would include Sabre Industries or one of the other companies that would receive the bid. Mr. Verst stated that would be listed in the paperwork. It was not a name that he personally recognized. Mr. Smith stated that this information is confidential and proprietary. Mr. Verst asked Mr. Bakota to repeat his name which he did so.

Mr. Verst asked if there were any other questions for the applicant. Ms. Harding asked if the applicant had any additional information he wanted to submit before they asked questions. Mr. Block replied that he has nothing new to add to the package they received, but if they had any questions, he would be happy to address them. Ms. Harding stated that she wanted to thank the applicant for the visual diagrams because they really helped and she could overlay them and see what coverage they would have versus going with the co-location. Ms. Harding asked her fellow Commissioners to go to Tab 4 of the binder. Section 9.29 of the Zoning Ordinance addresses the inability to co-locate. Ms. Harding stated she sees that the applicant has provided certification that the proposed location is the only appropriate site and then the certification explains why co-location is not an option. Ms. Harding stated that she accepts that at face value, but her question is under Tab 4, by the maps, there is a schematic that compares three potential candidate sites and they are labeled as A, B and C. She noted that the Search Area Map ("SAM") has a minimum site requirement, which is also under Tab 4 there, of 820 feet AMSL elevation. The bottom of that page states "that any proposed site that is not standard or has a ground elevation lower than specified may require re-engineering of the site." None of the three proposed sites have an AMSL elevation of 820.

The highest of those three was 802 feet, but you chose candidate B which is 794 feet. What are you proposing to do to meet that standard? Why did you choose candidate B? Ms. Harding stated that candidate A offered the least amount of overlap as far as coverage, but it is the most westwardly so that we don't become a tower jungle here. It has a better elevation. So why did you go with candidate B? Mr. Block stated that, when they submit the potential sites, they prioritize the sites themselves according to which they feel is the better candidate. The radio frequency engineer with AT&T looks at all this information and then he determines which is going to be the best candidate to get the coverage they need. Below that, the overall tower height is 200 feet per the SAM. So what they have done is, when the search parameters set out, the ideal was to look for a site with a ground elevation that with a 200 foot tower would service the needs. Since they couldn't find anything with that specific ground elevation, they looked at building the tower taller which is why this application was filed with a 250 foot tower. Ms. Harding stated that the figure was listed as 250 feet in some locations and 260 feet in others. Mr. Block stated that the correct height was 250 feet. Ms. Harding stated so that was how the "re-engineering" affected this request. It was 250 feet which is taller than the normal 200 feet. Mr. Block confirmed that was correct.

Ms. Harding deferred to Mr. Pfeffer. Mr. Pfeffer stated that he is just trying to understand the coverage maps particularly the ones in the supplemental packet. He wants to understand in layman terms about the co-location. There is a cell tower approximately one and one-half mile away from where this proposed tower is located. He understands that one is shorter. Is it the shortness that is limiting AT&T from saying that is a viable location to co-locate? From a citizen standpoint, in simple terms, why would we need another tower when there is one located just one and one-half miles away? Mr. Block stated that in reality one and one-half miles is not a huge distance. They have search rings sent out to them that are only a third of a mile in radius. What ends up happening is that as tower sites are built then ideally they want to co-locate if any way possible. If it turns out that the closest tower is a mile and one half from the center of the ring (with the center of the ring being the ideal location), and if there is a tower close enough to the center with a tall enough elevation that it could be considered and it is not too close to a tower that they already have, you can co-locate. He thinks the map that says "Coverage by Using T-Mobile Tower", if you look off to – our site number is 1350 – just to the left of the T-Mobile site. They already have existing sites that are three colored already to the northeast, east, south and northwest. You can also see that SW of the center of the ring you will see very colorful yellows and reds. This is an area that has terrible coverage and they are going to work on trying to find a solution that will solve that. There will likely be a plan coming in 2014 to solve that. The farther we come away from that the more we're covering an area that is already covered. It is overlapping what they already have coverage for and leaving more of a hole to the southwest where they need the coverage. What they may go with is instead of having one tower down there, they may get two different sites to close that gap. By putting this tower where they have it proposed right now, they may be able to get a future spot that will minimize the number of towers they need. Mr. Pfeffer stated that the proposed additional tower, instead of using the T-Mobile tower, is more strategically locating it in reference to the towers that AT&T currently have. Mr. Block replied that was correct.

Mr. Block stated that behind Tab 4 C there is a "SAM" that reflects the kind of elevation they were looking at and a search radius that in this case was only three tenths of a mile radius. The T-Mobile tower is one and one half miles away, but they only have a search radius of three tenths of a mile. They are trying to find something that would work ideally for AT&T. Sometimes, they can't find anything that works and, if they have something near the edge of the ring, they will take that into consideration. In this case, one and one half mile doesn't sound like much, but it does affect the service. The other item Mr. Block wanted to point out is that there are overhead transmission power lines that run right through the property. Even though this tower is taller than those and there are existing same type towers nearby, it is not ideal and you can't hide it. We have in past tried to co-locate on other nearby towers that were shorter, but you can't reach the proposed coverage area on those types of towers. It would leave gaps.

Ms. Harding wanted to touch briefly on two maps that were supplied by the applicant namely the "Coverage Plot Using T-Mobile Tower" and "Coverage Plot Using the Proposed Location". In

comparing those two maps, if you were using T-Mobile tower, you get excellent coverage. Using your proposed site as ground zero, you get really excellent coverage to the northeast using T-Mobile's tower, but not so great coverage north, northwest or southeast of your proposed tower, but when you use your new proposed location coverage turns from blue and yellow to green excellent in those areas northwest, west and southeast, but you lose it in the northeast quadrant so it is like taking from Peter to pay Paul. Ms. Harding explained her position on the Commission is to protect the interest of the people in the Unincorporated Campbell County and she does not mean to come across as confrontational at all, but her concern is that the beautiful pastoral land is being turned into a cell tower jungle. She just wants to see why AT&T couldn't possibly use T-Mobile's tower for that northeast quadrant and then build a new tower more westwardly or southwestwardly because you are already telling us that there will be more towers coming in the future. Ms. Harding would like to see them spread out a little more. Mr. Block replied that he thinks the best way to look at this is that you will see that the towers have a certain limit of how far the signal can reach. If AT&T used the T-Mobile tower, you are correct that the service would be excellent in the northeast quadrant, but what you would be getting out in the rural areas would still see poor coverage and it would be problematic. It still might only take one tower, but it could take two towers, to provide adequate service to the rural area. Mr. Block stated that the Commission is probably more aware than he what types of residents was in the rural area. Mr. Barrow pointed out that the area was still considered Unincorporated Campbell County and identified where the high school was located as well as additional subdivisions. Mr. Block stated that to get better coverage in the southern rural part of the county was the concern. They could conceivably require two more towers. AT&T doesn't want to install any more towers than necessary. The tower they are requesting could potentially allow for the co-location of two other providers thereby cutting down on additional towers in Campbell County. Don't doubt that AT&T's desire would be to co-locate if they could because it is cheaper than building a new tower, but in this case co-location is not a possibility to provide the coverage that they are trying to provide.

Mr. Pfeffer asked about the use of the T-Mobile tower and the geographic area we are talking about. In the lower right hand quadrant, is that where the high school would be located? Mr. Verst and Mr. Barrow identified the high school to the east on the plat for Mr. Pfeffer. Mr. Barrow stated that the tower would be the perfect height and capable of providing service to the high school. Mr. Pfeffer stated that rather at the T-Mobile tower or at the new proposed location, we are splitting hairs as to what we are really gaining in the standpoint of coverage. In the southwest corner, it is getting to where there are a few houses and some business, but it is really in the valley where Pond Creek Road is where the service is needed. Mr. Pfeffer stated that looking at the SAM and the "reds" and "yellows" yes there is some difference between the coverage provided when adding a tower versus co-locating on the T-Mobile tower, but those differences are not enough to say we are gaining significantly improved service. This is strictly his personal observation and opinion. Mr. Pfeffer stated that as things go on, as they have explained to provide the service, they may need two towers, but who's to say that one tower will not take care of it in the southwest quadrant.

Mr. Block stated that they have sent certified letter to surrounding property owners. They have posted the legal notice twice because there was an error in their original publication. They have not received any communications, phone calls or contacts with anyone objecting to this request. Mr. Block stated he had checked with Mr. Peter Klear and he had not received any notifications either. This is the end of a cul-de-sac and they already have power lines going through there. To be honest, if they could co-locate they would, but it would only serve to duplicate coverage already in existence. Our goal is to find someplace that is suitable. If there were a commercial or industrial site available to them, they would have attempted to use that location, but when you go into rural areas it isn't as likely that you will find that type of site. It becomes necessary to build in residential zones. There is a lot of tree coverage in that area. Mr. Block asked the property owner if he had heard anything from any of his neighbors and he stated he had only heard from the immediate neighbor to the west and he said "Go for it." Mr. Block stated that certainly they wanted to put them in the least imposing area, but for the coverage sometimes our hands gets tied with what we can do.

Ms. Harding asked Mr. Block if towers ever came down as technology develops that allows for further range from the existing towers. If technology comes around that allows you to use one tower to cover the area previously covered by three or four towers, do you take those extra towers down even if you have existing lease agreements? Mr. Block stated he does not see that type of technology becoming available to them in the near future. Their contracts have clauses that if a tower becomes obsolete they take down the tower and clear the site. The only thing they would avoid doing is removing the casings for the tower legs because they go down some twenty to thirty feet. In that situation, they cut the casings off about three feet below grade so that the soil covers the remaining casings. That language is normally in their contract, but the Commission is free to include that in their conditions if they so desire.

Mr. Bass asked if the terms of the agreement for the proposed location were a lease of five years. Mr. Block stated that he believes it starts out with five years. Mr. Bass stated if you look under Tab 7, page 3 he thinks if this site is for five years with four additional extensions. Mr. Block stated that this agreement would basically cover twenty-five years total – the original five years and then four extensions each of five years. At the end of each five year term, the owner can renegotiate the financial arrangement with AT&T. As they close in to the twenty-five years, if the site is still desirable, they will renegotiate a brand new contract with the property owner.

Mr. Block continued to provide the Commission with the history of different attempts to use taller towers with higher range versus smaller towers. The problem with using the taller, more powerful towers is that they use additional power that makes them inefficient and does not guarantee that service will not be disrupted. That is how the term “cell” was added to the towers. It was necessary to switch to a system using smaller towers using lower power requirements to cover a “cell” of area. Then the providers can just put in another tower to cover the next “cell” area so that the clients receive the best coverage and service.

Mr. Hutchinson made a point of clarification to advise the Commission that staff did receive notification from at least one citizen who was opposed to the cell tower. Mr. Block asked if Mr. Hutchinson was aware of the name of that neighbor. Mr. Hutchinson replied it was Mr. Pat Roach.

Ms. Blake asked, if this proposed tower was approved and built, would another carrier such as T-Mobile be able to use this AT&T tower for their service area to prevent them from building an additional tower. Mr. Block replied that was correct. As he indicated before, when the tower is constructed, it is designed to allow for additional antennas to be added approximately ten feet below their antennas. This extra capacity is designed into the towers because of the changes in technology that cause the changes in the sizes of the individual antennas. You can also go back in and beef up the foundation of the tower and then allow additional antennas to be safely added to this same tower. If possible, they can design to allow up to five additional carriers on the same tower.

Mr. Verst stated that the applicant could have a seat and asked they remain available to answer future questions. Mr. Verst had been previously given the sign-in sheet for this hearing. At this time, Mr. Verst wanted to allow the audience members the opportunity to speak regarding this issue. Mr. Verst asked that anyone who wished to speak approach the podium and state their name and address for the record.

The first speaker was Mr. Jeff Niblack who has property on Miller Road. Mr. Niblack stated that the letter he received did not advise him to contact the office and notify them that they opposed the cell tower and he takes exception to that. Mr. Hutchinson stated that no one is required to contact staff and register in opposition to the cell tower. Mr. Niblack stated that he feels that the power lines encroach enough on his property. The cell tower looks, at least on the internet, that it comes extremely close to his property lines. The expansion of homes has kind of dwindled these past few years, but he and his wife feel that the economy is going to come back. He has 106 acres there they want to possibly develop at some point. That is his issue about the encroachment. He also has property on Maddox Road. Not knowing for certain, but this may be in the view of what they will see there also. He is uncertain of the light on top,

but if it is a flashing light, there are a few people in the immediate vicinity that will be stuck looking at that light for some time. They may have issue with that.

Ms. Harding thanked Mr. Niblack for his input, but she had a question for him. The Commission has talked during prior meetings about the rural residents of the unincorporated area, specifically farmers, and how hard it is to get farmers to maintain large tracts of land when they are offered money from big developers. However, Mr. Niblack is telling us that he doesn't want the tower because it is another encumbrance on your property, but you are also saying that you are planning on developing it anyway. Mr. Niblack stated that was not his intention, but he wants to keep that option available. They have owned this property since 1968. They have 140 acres on Miller Road that their family has owned since the mid-1950s. Ms. Harding asked if he continued to farm it now. Mr. Niblack stated pretty much, but his father-in-law got old and couldn't maintain the fields. Now, they have hay there that is a source of income for him and his wife. Ms. Harding thanked him again for his testimony.

Mr. Hutchinson stated he wanted to clarify that you do not need to contact staff and advise us that you are in opposition of an issue that is coming before the Commission. That is the purpose of the public hearing. This is the opportunity to advise the Commission that you agree or disagree with a request. Mr. Verst reinforced that view and stated that this was the place and time to voice your opinion. He also thanked those residents who came to the meeting tonight to do so. Mr. Verst asked if anyone else wanted to speak.

Mr. Pat Roach, who lives at 10008 Morvue Drive, approached the podium. Mr. Roach began that he had built a home on Jerry Wright Road and before he could even go up there he needed a geothermal survey. It didn't matter how many trees were in the way. Mr. Roach continued that it looks like on the plat there that the tower is down over the hill, but there are markers not seventy-five feet from his house. The staff report stated it was 1,100 feet to the closest structure. Mr. Bass asked if Mr. Hutchinson could go to the slide showing the overview where the tower would be located and where Mr. Roach's home was located. Mr. Hutchinson did so. Mr. Verst asked if Mr. Roach's home was the location at the bottom of the slide. Mr. Roach agreed it was. Ms. Blake did not see where they were talking about so Mr. Roach approached the slide projection and point it out on the screen. Mr. Verst asked Mr. Roach if the white line was his driveway. Mr. Roach stated it was and proceeded to point out where the markers he was referring to were located on the site. Ms. Blake asked if he was concerned with the closeness. Mr. Roach stated he was. He continued that the report stated that a twelve foot chain link fence would be installed and its location to his property line. Mr. Roach stated he didn't know where the guide wires would be. The 250 foot tower couldn't be that far away from his home. The measurements are off he believes.

Mr. Roach also stated he was concerned on how it would affect his household in terms of noise, electromagnetic interference, and how much traffic to maintain it. If there is going to be access twelve feet wide, then there are going to be huge trucks going in and out of there. Mr. Roach stated he is on an air control squad over in Ohio and he knows a little bit about this because they deal with radar and satellites and a few towers. There are maintenance issues. So how is that going to affect his household? Granted there are high tension wires there, but they are over the hill and not above his home. It is just pretty close to the house; right out his back door.

Mr. Verst stated he wanted to hold the public comments for just one moment so that he could look at the distance of the tower to any structures. The staff report indicates the proposed tower is nearly 400 feet to the nearest property line and approximately 1,100 feet from the nearest structure. Mr. Verst stated he was looking at the colored site plan and it has a measured scale 1 inch equals 20 feet. If Mr. Verst uses his scale to measure the distance from the tower to his house, going by the scale that is listed on the plan, he is coming up with about 120 feet not 1,100 feet. Mr. Verst asked the applicant to give him some clarification. Maybe the scale is wrong. Mr. Block had also been reviewing the map as he has a larger map to look at. Mr. Block stated that he comes up with an amount of at least 280 feet to the property line and then another seventy feet to the home so we are looking at a distance closer to the 350 feet range. The tower is definitely nowhere near the 1,100 feet stated in the staff report. Mr. Block and Mr. Verst

agreed that the scale that was listed on the drawing was incorrect. Mr. Block stated that the markers that Mr. Roach saw out there were probably the ones that the survey put out there to mark the fence line and the electric. He had the surveyor put pins on at two of the corners of the lease area. The tree line, if you are looking at the survey there is a little looped dash line that is the outer boundary of the survey of the tree line. We have half the tower inside the treed area. There are supposed to be signs placed at the tower and then at the road. It may be mismarked on the drawing.

Ms. Harding stated that we are all focused on the tower. How far is the tower from houses? But no one is really thinking about how the other structures related to the tower affects surrounding properties such as access road and fencing. Can you address the concerns addressed by Mr. Roach? Mr. Block stated that the property owners currently have access to the area by an existing gravel pathway. Mr. Block could not say how deep the gravel ran, but it is commonplace that the road/path will be repaired after all construction traffic has finished. During the construction phase, you will have a flatbed truck, concrete trucks and a crane that will be on site to complete the placement of the tower. That could take as long as six weeks for a tower of this height. Once the construction is completed, there is traffic to the site one to two times a month and will consist of a pick-up truck or van. If another carrier comes in, they would not have to do much construction other than bring their own equipment sheltering and it would be a much shorter construction phase. As far as noise, the tower does not emit any noise. The lights on it are the least offensive because they are at the top of the tower and there is an angle to them. Their purpose is to have the planes see them so the beam direction is going up. Even the white light is an emergency back-up system in case the red light goes out until we can go back up and replace it. You won't get any shadowing. There are no lights shining into your bedroom. Other than the fact that the lights are visible, and it is a rural area, that is the only affect. It would be no more bothersome than a tail light. Noise at the equipment shelter is a little more. There are two wall-mounted air conditioners that cycle. From the ground equipment shelter to Mr. Roach's house is enough distance that he shouldn't hear the air conditioners at all. It would be very quiet even in the summertime. Mr. Block stated it would be no more than a vacuum cleaner sound if you were right up on it. It comes on more in the summertime, but still should not be offensive.

Ms. Blake asked where the fence is to be located and why they needed a fence at all. Mr. Block stated that the fence bordered the leased area only. The property in the lease is seventy feet by seventy feet and the fence is inside that at sixty-nine feet by sixty-nine feet. The fence is there just as a security precaution. It is an eight foot fence. With the fact that this fence is over the hill twenty feet, so other than if you have a direct view at that angle, Mr. Block doesn't think you will see the compound at all – neither the fence or the shelter. Ms. Harding asked if he meant from Mr. Roach's vantage point. Mr. Block stated that was correct. Mr. Block added that they have in past had instances where they put some landscaping around the fenced area like arborvitae, but since they are already in a treed area he doesn't think it would be necessary at this location.

Mr. Verst asked if there were any additional questions for Mr. Block at this time. Mr. Block stated he would offer that although you could find opposition to this on the internet, towers that are built prior to subdivisions, the people don't care. If there is a subdivision, and then you propose a tower, that is when the real opposition is encountered because that is change and people are resistant to change. One of the advantages is that they will have cell coverage within their home. Ms. Harding agreed stating that was the nature of the beast. Ms. Harding continued that everyone states "not in my backyard" without realizing it is inevitable and we all need it. Mr. Block added that he had a tower in Cleveland that faced quite a bit of opposition when it went in. When they went back two years later to add a co-location to that tower, the commissioners told him that with all the opposition they faced when it went in, they never had a single complaint about it since that original hearing. Mr. Block stated that another thing to consider is that younger generations especially, like his daughter, aren't even getting the land lines and are just using their cell phone as their primary point of contact.

Mr. Verst asked if anyone else had a question before they returned to the public comments. Mr. Williams asked who this was benefitting. What is the population out there? He knows there are a couple of

subdivisions around and asked if any of the other Commissioners had any experience or knowledge with this area. Mr. Verst stated that looking at the maps we previously discussed show overlapping coverage areas. Basically, what it looks like is that the area identified as where the high school is and the subdivisions to the west currently have either no coverage or marginal coverage inside of the buildings. Mr. Williams asked if these were the maps that look like weather maps. Mr. Verst agreed they were. Mr. Williams stated using the high school as a reference point; he could see where they were discussing. Mr. Verst explained that area is the area where coverage is going to beef up and the subdivision across the street. Mr. Block confirmed the area Mr. Verst was describing, but advised that if an actual number of the population were asked for then he would need to go back to AT&T and have them calculate that number. He asked the Commission to remember that AT&T is not the only provider in that area and it would be almost impossible to obtain a true number of users affected. Mr. Block stated it was not like AT&T desired spending a lot of money to put up a tower to help only a few people. AT&T has a license to provide a certain number of people within a certain area with a certain time period assigned to accomplish that. Mr. Block stated that if it is their choice to only provide coverage where the absolute best return of their dollars is then AT&T might not determine they want to build a tower here, but the federal government states that everyone has a right to have that coverage. Mr. Williams stated the reason he was asking was because he does cycling out there at the Campbell County Park; he belongs to a fish and game club a mile due south of the high school; and also during recent campaigns he was walking in that area. He had his cell phone with him and he had no difficulty with reception in that area. Mr. Verst asked if he was an AT&T customer. Mr. Williams stated he was not and that he uses Verizon. Mr. Barrow stated that was a different tower.

Mr. Barrow stated he had a question for legal counsel since Mr. Williams brought up his personal provider information, how much can he say as a Commissioner? Mr. Barrow stated he was an AT&T customer. Mr. Smith stated Mr. Barrow could provide any information that he had personal use and knowledge of. Mr. Barrow stated that his grandson has an iPhone 5, the latest and greatest. His grandson had to sit at the high school for over an hour because he walked around trying to find a location that he could get reception. He ended up having to walk to the very edge of the parking lot in order to get service. Mr. Barrow stated that he has heard many teachers complain about the reception. Mr. Barrow stated he knew four people that went to Verizon to try to get better coverage because being out at the high school they couldn't get AT&T coverage. Mr. Williams stated that Mr. Verst answered his question and there is definitely a population out there that is going to be served. Mr. Williams was just unaware there was a coverage issue to begin with in regards to AT&T service. He can assume that this is going to be an improvement for a fair number of citizens. Mr. Block added that it is also a way for AT&T to compete with other service providers. Mr. Verst stated that based upon our previous discussion it appears that the co-location on the T-Mobile tower would provide service to the high school, but it would not service those further west. Mr. Williams stated he was just curious if we are doing this for the present or for the future. Apparently, it is for both. Mr. Block agreed it is to correct immediate service needs, but it will provide for future service for future developments.

Mr. Williams asked if this tower would impact television reception in that location. Mr. Smith advised the Commissioners that they are not allowed to address radio frequencies and environmental effects. The only thing that you are in fact allowed to do is to be certain that they have met all FCC requirements which we have been notified they have. Mr. Block stated that he doesn't mind explaining that the television and cell phone coverage operate on completely different bandwidths so one should not affect the other. Mr. Block stated there was a tower on the property where the courthouse was located. Mr. Barrow stated the communication tower sits right outside the building. Mr. Williams asked if they were to put some antennas on that, then any future co-located antennas would not interfere with what is already placed on it. Mr. Block replied they would not. It is kind of like a garage door opener. If your opener opens your neighbor's garage, you just dial down to a different frequency and it controls only yours. Mr. Williams stated apparently the federal government has stated that he shouldn't worry about that so he's not going to worry about it. Mr. Verst commented that they should be able to trust the FCC to take care of that type of review.

Mr. Verst asked if there were any other comments. Mr. Verst stated he wanted to point out that on the staff report, page three, staff indicated that it was 400 feet from the property line to the tower. Mr. Verst has figured out the scale on the maps and it is actually pretty close to 120 feet to the nearest property line and 340 feet to the nearest house just for reference. Mr. Verst asked if anyone else from the public wanted to speak to please approach the podium and state your name and address for the record.

Mrs. Barbara Roach of 10008 Morvue Drive came forward. Mrs. Roach is worried if they determine to sell their home that the re-sale value would be affected since they are right next door. Personally, if she was looking to buy a house, she wouldn't want to live next door to a cell tower. Mrs. Roach also questioned the driveway because they share a driveway with their neighbor. At the main road, it is paved, but the rest is gravel all the way to the tower. Will they be able to get in and out while they are doing construction? They already have ruts in the road and if they come across it with their heavy equipment it is only going to get worse. Finally, property values are going to be affected by the cell tower being so close to their home.

Mr. Verst asked Mr. Hutchinson asked about the property lines and the first part of the drive. It looks like the first hundred feet is a public right of way (ROW). If it is, it would be maintained by the county. Mr. Hutchinson replied that this was very unusual, but the public ROW does extend some. Mr. Verst stated that the public ROW would be the county's responsibility to make any repairs. Mr. Verst stated he felt it was something that should be check out. Mr. Hutchinson stated that the lease itself may address some type of maintenance agreement. Mr. Barrow asked if the school bus comes down this road and turn around there. Mrs. Roach stated that it did. Mr. Barrow stated that was the reason for the unusual design of the end of the street.

Mr. Verst asked if there were anyone else in the audience that wished to speak. Mr. Williams asked if there were any market studies conducted to see just how, if at all, a cell tower might impact the fair market value of a property. Mr. Smith replied that there is case law on this in the 6th Circuit from a planning commission meeting such as this one on which objections were being based on devaluation of the home value and this is what they found – without introduction of expert testimony by an expert it is insufficient and doesn't give rise to substantial evidence enough to overturn an application. Mr. Smith stated there have been studies out there. Mr. Williams stated that cell towers are pretty common now. Mr. Verst stated that basically, if we were to consider turning down this application based upon the potential to devalue properties, we would have to have expert testimony before us tonight to support this. Mr. Smith agreed.

Before he opened up the floor for discussion among the Commissioners, Mr. Verst allowed the applicant the opportunity to offer any additional comments they desired. Mr. Block stated that AT&T does require contractors to make repairs to any damage of property once the construction phase is complete. This would include repairing the driveway if they damaged it. The driveway is there to provide access to the front property as well as the back property.

Mr. Verst thanked the applicant for their comments and proceeded to open the floor for discussion among the Commissioners. Mr. Verst stated that we have talked about how the applicant is required to show justification that they are not able to co-locate rather they are able to put their antenna on another tower already existing. Mr. Verst asked if the applicant has demonstrated this to the Commission. Mr. Pfeffer stated he does not believe so. To him putting it on the T-Mobile tower is going to provide the excellent coverage that the applicant states they are trying to do. Mr. Pfeffer does not see a huge difference in the coverage from building a new tower. He continued that, in so far as Mr. Williams' previous question of who did this benefit as far as how many customers are going to gain reception, we don't have those numbers. Mr. Pfeffer stated he is sitting there thinking he doesn't understand why AT&T would invest in this based on coverage spots. In a populated area, if you look at the map where it shows the tower will be located and different streets and such, if you look at using the high school as a point of reference, the high school is still in an area that red, yellow and blue which is in the lower right hand corner. Mr. Pfeffer stated he does not see where it is justified to build another tower. If you need another one in the

southwest corner then so be it. Mr. Verst pointed to the location of the high school on the drawing. Mr. Pfeffer stated that if the high school is there then you are getting some coverage at the high school but you can also get some being located at the T-Mobile tower. Mr. Verst stated that he believes that based on the testimony and maps it appears that it is the people to the south and southwest that would be at a greater advantage by building the new tower. The applicant has stated that AT&T can provide better coverage to that area by building a new tower than co-locating to the T-Mobile tower. It is certainly all circumstantial evidence. Mr. Smith added he believes that the Commission would really have to come forward with evidence to override what they have provided us. In order to turn an application down, they have to examine alternative sites, they have to examine existing towers that they could co-locate to achieve their objectives, and they have to identify their objectives here. Normally, as Mr. Verst suggested here, the preference of the industry is to save costs so they would co-locate if they could do so and still meet their objectives. Mr. Smith stated that he does not believe that enough has been submitted to determine that the applicant could co-locate and still meet their objectives. Just looking at the coverage maps is not evidence enough because that would require expert testimony. Subjective opinion is not expert testimony. Mr. Williams stated he had not heard everything legal counsel has said and asked him to repeat himself which Mr. Smith did so.

Mr. Williams stated that as he is looking at the SAMs and you take the one labeled as Coverage Plot Using T-Mobile Tower and place it over top of the one labeled as Coverage Plat Using Proposed Tower. To Mr. Williams, it does not seem like it is significantly different. Mr. Verst stated that unfortunately we are a few laypeople staring at a map. We are not experts. Mr. Pfeffer stated that as a Commissioner he cannot refuse this just because he is looking at this map and saying that he doesn't think AT&T is gaining anything. Where is the – Mr. Verst's question was - is there enough evidence to show that a new tower is needed as compared as to putting it on the existing T-Mobile tower. Mr. Smith stated that the standard in Kentucky is can they co-locate to the existing T-Mobile tower to achieve their objectives and coverage areas. Mr. Smith believes the applicant has submitted statements as part of their application that the T-Mobile tower is insufficient and they have submitted coverage maps showing there is a variance between the locations. But he thinks the Commission would have to come forward with substantial evidence in the findings here tonight to say why the co-location is reasonable and to still allow the applicant to meet their objectives. Mr. Pfeffer asked if it was reasonable to ask what the benefits are from a population standpoint. What is the population in this area that AT&T feels that they are going to go after from a marketing standpoint and that they could provide coverage to? Mr. Smith stated he could certainly ask. Ms. Harding stated she believes that was answered when Mr. Block previously commented that they only have so much time that can pass to exercise their option over a certain geographic area. Mr. Pfeffer said his question would be, in trying to evaluate the benefit to citizens in this area and the population, what is the population density in this area that we feel is getting poor coverage that makes using the existing T-Mobile tower insufficient as compared to building a new tower? The T-Mobile tower is going to provide service to 'x' amount of people whereas building this new tower will supply service to how many additional people. Mr. Block stated that obviously he does not have that specific number. Even from AT&T's standpoint, they would be hard pressed to say which person had a Verizon phone and how many have AT&T phones in that location as far as population goes. They may be able to derive a number for population density in specific areas. Again, his previous statement is the fact that AT&T's preference in putting in a tower is not based on just coverage and revenue and how many people are going to be putting calls into that cell is not the sole issue. The FCC and the license they got is to provide coverage to a high percentage of fair market area or license areas. At the T-Mobile tower, it may increase the coverage to the high school and most of the densely populated area, but then you are going to leave that other area out there totally abandoned and the FCC says that is not the sole purpose of why they issued their license.

Mr. Verst stated he wanted to make a comment or suggestion that the applicant has submitted in verbatum their experts and their people have prepared this information on their behalf and the Commission does not have an expert on this board to speak for us. Unfortunately, if we are going to try to challenge the information submitted, they're attesting that the T-Mobile tower does not suit their needs and Mr. Verst does not think that the Commission has the testimony or expertise to refute that. If we felt that it warranted further exploration, then we would need to bring some assistance in to staff to review the

application. However, Mr. Verst pointed out to the Commission that once an application is submitted, the Commission only has sixty days to act upon it. The complete application was received either before the April meeting or just prior to the May meeting so we are a little short on time if we were to try to bring someone in to offer a second opinion.

Mr. Barrow asked if he could present a question to legal counsel. Mr. Verst recognized him to do so. Mr. Barrow advised Mr. Smith that he holds an FCC communications license. It is not for a cell tower, but he has worked on the tower right out our window and he has worked on this equipment. He was part of the Campbell County Radio Committee until they merged it. Some of this information, he can speak to. He knows everyone is having a problem with it, and he wishes they went old school and brought a circular map with them which shows promulgation. This specific tower here, he has been on four times, when they moved antennas because it wouldn't work even being right next door. These SAM maps here are difficult to read, but if you had them in a circle the difference between the two is unreal as far as what you are talking about in coverage. Ms. Harding asked Mr. Barrow to clarify what he meant when he said it was "unreal". Ms. Harding asked if that was to the benefit of the people. Mr. Barrow stated it was difficult to read from the map because it is all digitized, but you can have 3,000 conversations going on off of the same tower and no one hears anything. The new thing is that all this comes into our county and digital terminals which everyone has now. There is the Camaro, the new Jeeps, the fire and police are all using their mobile terminals now and that is all run off cell towers. This makes a big difference in your fire and safety now.

Mr. Verst stated he feels we need to go back to the original question of do we feel we have sufficient information provided tonight to refute the applicant's claim that they have explored the co-location, but it is not feasible to meet their goals. Ms. Harding replied she says "no" because when she was speaking before she saw their certification and she defers to that. "No" we do not have enough information to refute their claim. Mr. Verst asked that he be corrected if he was wrong, but with this type of application as far as state and federal law is concerned the burden of proof is on the Commission. Mr. Smith stated that this is a little different than the usual cases presented to the Commission. If we were going to deny the application, for whatever reason, we would have to have substantial evidence based upon what has been presented tonight and we would develop our own written reports and findings as to why we were denying this request. With the discussions that we have had here tonight, Mr. Smith does not think that we have that here. The statements given by the applicant, as well as the coverage maps, in order to be able to say that from the planning commission perspective that the co-location from the T-Mobile tower is adequate – we just don't have the evidence to say that.

Mr. Williams stated that the planning commission doesn't have to believe it; the applicant just has to present it. Mr. Smith stated that the applicant has presented their application and part of the application is that a true statement was given at a federal level. Mr. Williams asked for confirmation that the applicant doesn't have to convince the Commission; the Commissioners don't have to be convinced by their evidence. Mr. Smith stated he wasn't sure he understood Mr. Williams' question. Mr. Smith stated that the applicant is not responsible to convince the Commission that the technical data supports their request. Mr. Williams stated he is not convinced that what they say is true. It is their evidence. He doesn't see the difference from them co-locating on the T-Mobile tower or building a new tower, but he supposes that legally that is insufficient. Hypothetically, the applicant can say anything and not be convincing, but we can't rule against them without evidence of our own. Mr. Smith stated they are required to submit truthful statements regarding their objectives and goals as well as the information they submit. Again, in order for us to contradict that, we would have to come forward with our own expert testimony and evidence to say why the co-location at the T-Mobile site would be reasonable and satisfy their coverage needs. Again, for that alternative site to carry on in place of the tower, the evidence would need to support that existing tower would be reasonable and satisfy their coverage needs. Ms. Harding agreed and added that there is a built in counter-balance in that they would not pursue this if it were not beneficial to warrant it. Mr. Smith continued that the cost involved to co-locate is less expensive – to paraphrase an earlier comment – rather than to construct a new tower tells him that there is a need for the construction of the new tower.

Mr. Williams stated that again, hypothetically speaking, if no one on a hypothetical commission is convinced that what the applicant presented was enough to sufficiently convince them they would still have to vote in favor of the applicant. Mr. Smith stated that if the Commission came up with their own written opinion and details the reasons why we determined that they weren't utilizing a site or that an alternative candidate could accomplish their objectives then we would have to have specifics on why we felt that. Mr. Williams stated their objectives can be whatever they choose to be. They could be unreasonable about their objective or they could be reasonable about their objectives. Mr. Smith stated that their objectives as stated here identify where they need improvements. From the initial map, you can see where they are trying to expand their coverage. Mr. Williams stated this is a little like SD1 against the environmentalists. Mr. Smith stated that there is federal and state law that regulates this field. It sets forth the application that they are required to submit. It identifies that this is all they are required to submit. It gives us the review of the application.

Mr. Verst stated that he feels the summary of this dialog is that if the commission wants to refute the evidence submitted, they would need to prepare a detailed logical explanation as to exactly why we find it insufficient or we have the option to table this and gather additional expertise to assist us in making that decision. However, there are time limits on the amount of time we can take to review and decide upon the request and Mr. Verst doesn't know when the sixty days will expire, but it would be up to staff to confirm how much time remains to process the request. Mr. Block confirmed there was a delay in the processing of the application because their initial legal notice stated the wrong time of the meeting. It was not staff's fault, but the time limit is close to expiring. Mr. Hutchinson stated that from staff's standpoint, we've read through the requirements for cell towers and you can see staff's recommendation. There were only a few deficient items. They have met the requirements from staff's perspective.

Mr. Verst asked if the Commission feels there sufficient evidence to deny the application. Mr. Williams stated that based upon what legal counsel has said the answer would be no. We do not have sufficient evidence to decline the application. Personally, what bothers him is that at some point his name is going to be called and asked how he votes. He will have to say yes but only because he can't oppose it. For some reason, that is extremely troubling to him. Mr. Smith stated that Mr. Barrow expressed he had some familiarity with the topic and he asked Mr. Barrow what he thought of this issue. Mr. Barrow stated he thinks the new tower will be a benefit. Mr. Smith asked if the service drawings between the co-location are different than the new tower. Mr. Barrow stated yes, the service would be different. Mr. Williams stated that Mr. Barrow's opinion means a lot to him. Ms. Harding stated that she was satisfied.

Ms. Blake stated that perhaps the dilemma is in how AT&T has represented things themselves. Maybe if they had down-scaled it. She doesn't know. Mr. Verst asked if she meant because the Commission was not experts in the topic which she agreed. Mr. Verst continued that we may be still arguing no matter how it was presented. If no one has the strong feeling that there is any sound evidence that they can summarize to deny it, then does anyone want to move forward with a motion. Mr. Williams wanted to make a statement that it doesn't have anything to do with the manner of the presentation. Mr. Williams did not find it convincing, but again his expertise is extremely lacking. But the context that Mr. Barrow presented, very practically speaking that this benefits fire, police and etc., this changes his mind completely. Mr. Williams stated that Mr. Barrow should have spoken up earlier. Mr. Barrow stated he just wasn't sure what he could say. He knows Mr. Verst speaks based on his experience as an engineer, but he wasn't sure what was relevant. Mr. Barrow stated that he has a communication degree that allows him to do certain radio communications and low range navigational radar. He doesn't do a whole lot it anymore because computers took over a lot. Mr. Williams teased him to not be so shy next time.

Mr. Verst stated that staff has provided a recommendation to approve the application. Does anyone want to move forward with a motion? Mr. Verst stated we have had a lot of discussion about this and we need to make a motion one way or the other. Mr. Barrow made a motion to approve case #119-13-SPD-01, GPD Group, including the three recommendations as stated in the staff report. Mr. Hutchinson asked Mr. Barrow to confirm his basis for the motion. Mr. Barrow stated the basis for his motion is that the request

is consistent with the 2008 Campbell County Comprehensive Plan Update and the application has proven the need for the tower based upon the evidence provided by the application and public testimony. Mr. Verst asked if there were any discussion on the motion. There being none, Mr. Verst called for a second on the motion. There was no comment. Again, Mr. Verst called for a second on the motion or the motion would die for lack of a second. Mr. Williams seconded the motion. A roll call vote found Mr. Barrow, Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stubbs and Mr. Williams in favor of the motion. Mr. Pfeffer was in opposition of the motion. Mr. Verst abstained. Motion passed.

DIRECTOR'S REPORT

There being no other cases to come before the Planning Commission, Mr. Verst asked if there was a Director's Report this evening. Mr. Hutchinson replied that there was no Director's Report this evening.

Mr. Verst asked if there was any other business to discuss. Mr. Barrow stated he wanted to make a request for training on cell towers. Many of the other Commissioners agreed that would be warranted. Mr. Williams stated that no matter what you say no one is going to purposely search for a home near a cell tower. Ms. Harding made the suggestion that perhaps instead of providing training to the Commission, maybe, we could retain someone who would review and make a determination as to the validity of the request and make a recommendation to the Commission. Mr. Smith stated that several local jurisdictions he has had experience with have obtained professional technical advisors when it comes to cell towers. In nine out of ten cases, the advisor will recommend approval for the request. Again, it does give the Commission some assurance that the application is as it purports to be, but it can be costly. Mr. Smith gave the Commission some information about why these measures came about and why it limits what can be reviewed by the Commission.

Mr. Verst asked if, with the next cell tower application, the Commission desired to have staff invest in hiring expert review of the application. Ms. Harding stated she would rather see the money that would have been used to train the Commissioners on cell towers to be used to obtain an expert to present the other side of the application to us. Mr. Williams asked who would pay for the expert. Mr. Hutchinson replied that the Commission would have to pay. Mr. Williams asked if there was a budget for that. Mr. Hutchinson replied there was not. He advised Commission that staff would review their concern and provide some measure of what could be done to accommodate their request. Mr. Hutchinson stated he felt the Commissioner had an excellent conversation tonight and very much appreciates legal counsel's knowledge on the issue. Mr. Smith suggested that the cell tower application fee could be increased to cover the cost of the technical advisor. Mr. Hutchinson stated he would forward this information to Mr. Klear to address. We may be able to consult with other jurisdictions to confirm how they are handling cell tower reviews. Mr. Verst asked that Mr. Klear be consulted and provide feedback to the Commission.

Mr. Verst asked if there was any other business to discuss. Mr. Bass stated he wanted to ask about the activity at Lois Lane. Mr. Verst advised Mr. Bass that information could not be discussed if it could possibly come before the Commission for action. All discussion regarding this location ceased.

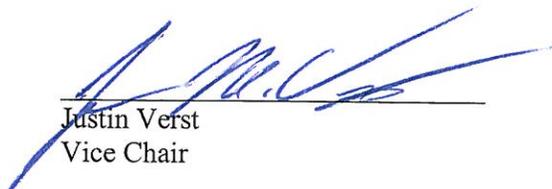
Mr. Verst asked if there was any other business to discuss. There being none, Mr. Verst asked for a motion to adjourn. Mr. Barrow made a motion to adjourn. Mr. Bass seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 9:20 PM.

Respectfully Submitted,

Approved:


Peter J. Klear, AICP
Director of P&Z


RYAN HUTCHINSON


Justin Verst
Vice Chair