



Stanly County Planning Board
March 9, 2021 - Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on March 9, 2021 at 6:00 p.m. in the Stanly County Commons meeting room at 1000 N. First Street, Albemarle, North Carolina. Bob Remsburg served as Clerk of the meeting.

Stanly County Planning Board members attending Joel Mauldin David Underwood, Candice Brasington, Jay Eckman, Michael Williams, Tim Fesperman, T. J. Smith

Absent: none

Mr. Remsburg stated that there were enough members present for a quorum.

Stanly County Planning Staff Attending Bob Remsburg, Planning Director; Bailey Emrich, Planner I

Others Present: Victoria Farmer, Andy Hinson, Chris Duggan, John Mason Hinson Jr., C.A. Hinson, Derek Cullingford, Paul Drye & other community members.

Chair Eckman announced the first order of business was to swear in and install the two new board members, Tim Fesperman and T.J. Smith. The Clerk, Bob Remsburg conducted the ceremony.

Chair Eckman asked for a motion to approve the proposed agenda

Motion: David Underwood

Second: Candice Brasington

Approved: 7-0

Chair Eckman asked if there were any conflicts of interests with the case to be heard due to financial or personal relationships.

There were none

Chair Eckman asked for a motion to approve the minutes from February 16, 2021

Motion: Michael Williams

Second: Joel Mauldin

Approved: 7-0

Chair Eckman announced the purpose of the meeting was for the board to consider two items. The two items were the request to add a telecommunications tower overlay district to a parcel on McLester road and amendments to several land-use ordinances imposed by the state legislature if NCGS 160D.

Chair Eckman introduced the first item ZA 21-05. A request from Cellco Partnership to assign the Telecommunications Tower Overlay District to a portion of a parcel owned by Mr. Charlie Hinson Jr. on McLester Road.

Chair Eckman invited Clerk Bob Remsburg to share details of the request.

Mr. Remsburg shared the following:

This is a request to apply the telecommunications tower overlay district to a 10,000 square foot portion owned by Charlie Hinson Jr. on McLester Road. This is similar to ones we have done in the past in order to place a 195' monopole tower. This property is zoned RA. It currently contains 29.86 acres and the adjacent properties are all also zoned RA. The proposal is for a Verizon tower for 195 feet for additional coverage in this area. A sketch plan for this project is available and I have it on the slide. You also were given a copy. The area is primarily wooded and a vegetative buffer is required around the base of the fenced area as it has been on previous projects. The location does meet all the requirements of the zoning ordinance. To have cell towers away from roadways and to encourage co-location when feasible. There are no other towers located nearby or ones that are available for additional co-location antennas. Access will be from a drive on McLester Road. Obviously this will not be a traffic issue. But this road does see 390 vehicles per day. This is actually in a growth area per the 2010 land use plan. We received a complete packet from Verizon as far as the application goes.

Mr. Remsburg went through the slideshow with aerial, zoned, and site plan map images and coverage maps explaining each one.

Chair Eckman asked if there were any questions for Mr. Remsburg
There were none.

Chair Eckman invited Victoria Farmer to speak in favor of the request

Ms. Farmer share the following:

I am from the Chattanooga area in Tennessee and I have been selected to represent Verizon Wireless for this request and as it was described this will be a necessary Telecommunications support facility, the antenna support structure is 195'. This is going to be a facility designed for additional carriers as well as emergency systems. The selection process is a very detailed one and we chose this area primarily because of the site range that was given, the availability of space and the relativity to existing towers and roads.

I am here primarily for any questions you may have in terms of this particular facility or if there are any concerns addressed I will take care of that too. Thank you.

David Underwood asked “I have noticed this is the third tower that we have before us, I know there are a couple of other people that have said companies have come to look at their land. What is the sudden increase here? There for a while it was down and now it is back up.”

Ms. Farmer stated “Yes, that is the nature of our facilities. With every generation of equipment expansion system requirements, population increases, we go in waves. For instance, with the last generation it was 4G LTE that we have a deadline to meet. We push and push for all the sites that will be relative to that. In this situation, in Stanly County we have a deficit of capacity since 4G was implemented in these areas there has been an increase in population as well as wireless devices. A lot of people are now using them for home alarm systems, security cameras, there is a lot of glut on the systems. We have to increase our capacity to allow for seamless usage for our customers and emergency systems. We are constantly evaluating our systems but it seems every three or four years we get extremely busy again which brings system demands. To answer your question, essentially there are demands on existing towers that have capacity boost. Everything works in a cluster and you have different facilities that talk to one another. If a facility has an overload, the other ones will take it on.”

Joel Mauldin asked “With the site you have existing now, and you say you're building this to add more carriers to it. If what you have now is loaded, then why are you acquiring more towers as opposed to using the existing towers and putting more on them?”

Ms. Farmer stated “We do use existing towers as much as possible and we do change out our equipment on our existing towers. It just comes down to the place where you have changed the equipment so many times and the equipment on there just isn't going to be able to handle the traffic that is going on in that area. That is normally what initiates another facility. Now before we put up anything new, we always look for what could be there. Like a tall building or water tank, something that was at the height we need is selected as a priority but if there is nothing else there we have to install something that will provide us with the height that we need.”

Candice Brasington stated “Basically, it just sounds like you're just trying to meet the demand.”

Ms. Farmer stated “Yes, people are doing things on their phones they used to never do before. All of the streaming, Alexas, security systems, working from home, school from home, these have put an increase on the traffic. There are exposed areas who needed service long ago but there was nothing happening in those areas and now they do need it. So we are trying to work hard to get the service to those who need it. Now that everyone has a phone in their hand, it will continue to increase. We can't stop growth.”

Chair Eckman invited others present to come and speak for or against

Chris Duggan identified himself as an attorney and stated he represented some neighbors nearby where the cell tower is proposed. My clients and most of the individuals are opposed to the cell tower location. I have said the argument in my litigation career that it is all about the children. We do not have anyone here

from the Stanly County school system who says we need this demand in this area. What we have is a commercial enterprise trying to make more money. I don't blame them. The problem is the location on the map that shows existing Verizon towers. It seems curious to me that not one other carrier tower is shown on this map. What other towers are there? I am certain there is another tower near this location. In fact there is one about a mile and half away at Frog Pond. Again, we understand the need for telecommunications but we do not have a demonstration here to show the need. Fire service, emergency service, education here, county staff in general. We have an application looking to expand its services to its customers. What we don't have is the absolute need for it to be there. I ask you to listen to these concerns not only on the aesthetics and change but at this rate we will have a tower everywhere. I look at my phone, I understand this. I enjoy wifi and phone calls. Yet, we don't hear that demand and these folks that live here will say they do not have this demand. I ask this board to kindly consider denial of this application. We understand the staff provided by the board with the application. We feel there may be some holes in the applications. There has been no need demonstrated for this.

John Mason Hinson stated "I am here with my mother Linda and brother Andy Hinson. I live at 16220 McLester Road and they are the house directly next to us. This is 100 feet away from my property line. I have lived here my whole life. My property has been in my family for generations. We have zero problems with cell service. I have been in every spot they are talking about and there has never been any issue. My property is virtually untouched. It is almost a wildlife refuge. This thing comes so close to my house. It will tower over everything I own. It is on top of the hillside. There is no getting away from it. It is going to decrease my property value by no telling what percentage. My mom is a recent cancer survivor, and they are going to say that it is going to stay within a certain limit but I have done my research for the past four days. She is terrified to have this there where she will see it out of both of her bedrooms every night. I have a couple of things I want to read on property deprivation from the U.S. Department of Housing and Urban Development.

Mr. Hinson read an article pertaining to the visual, health & property value impacts of cell towers.

I spend as much time as I can on my property. It is the most beautiful, serene, natural place there is. My mom has hypersensitivity that causes her migraine headaches. This is sounds that would not necessarily impact me or anyone else. She is not the only one, our neighbors also suffer from this as well.

Mr. Hinson read an article pertaining to the firefighters in California that got the cell towers removed, stating it was dangerous for their health.

There is not enough new information on this. All of the data on there is outdated by 20 years. Even if people don't believe there are health concerns with this, just the perception alone. This is so close to my property. I am going to let the rest of the neighbors speak.

Andy Hinson stated " My property is right beside my brothers. Cell Towers are reported to bring increased value to an area which has had inconsistent cell coverage. However, this is not that area. We do not have any inconsistent cell coverage. The last three days we have gone around and talked to all the

neighbors. They have all shown their support and I asked if they had any problems with their coverage and none of them did. There is a tower about a mile away at Frog Pond and I don't see what is wrong with that tower if they are allowed to place anything they want on it. I would like to speak about the health effects of this and the couple studies I have read. Cell towers have radio frequency emissions and the closer you are the more radiation you are exposed to. Cell tower radiation is different from cell phones to the head. A cell phone exposes an amount to a specific brain region, cell tower emissions are at lower levels but with the cell tower exposure it is day and night and non stop. People living or working near these will get the most exposure. People sleeping facing one will have the most night time exposure. A phone can be turned off but a cell tower cannot be. Many places have halted the placement of these near schools and residences because of this.”

Mr. Hinson read several statements from sources regarding the radiation of cell towers.

“When I looked on Google Earth as close as I could approximate to where they want the tower to our house is less than 1000 feet. It will be up on the hillside and will be beaming down like a lighthouse. Radiation that emits from the tower falls which means it will be straight at our house. There are also other studies discussing cancer in relation to a cell tower. They discovered it was 3x higher for those living within a mile of the cell tower. They also found that they fell ill eight years early. The inner area is 100 times greater than the outer area, my house falls within the inner area.”

Mr. Hinson read articles regarding cancer in relation to cell towers based on distance.

“I spoke to some people I work with that used to install cell towers and they said it draws buzzards. They nest on these things. If you have any small animals it would be dangerous. She also said her husband was attacked by one at night. They can come out at any time of day or night and are allowed to have flood lights shining on it while working. I would like you all to consider our worries. I don't see the need or the **want** for it. I think these people we live near feel the same. Thank you for your time.”

Paul Drye stated “I won't be redundant and go back through all the concerns that the other gentleman expressed because I feel the same way. The studies that I have read right on par with them. I also hear that it is to benefit the children. My three grandchildren all live beasially across the road, about 1500 feet from where this tower is going to be . They are home doing school every other week with us. They don't have a problem. They do just fine without another tower there. I ask all of you if you have children or grandchildren, what would you do to protect them if you had an inkling if there was something that you think could harm them? Look inside yourselves and think about that because you have that power.”

C.A. Hinson stated “I am the property owner. Verizon contacted me about a year ago because my location was what they needed. After careful consideration and research I agreed. I was able to choose the location which places it far from ayones home. I based it off of my research and experience. I have a two year degree in electronics and over thirty years experience in radio and T.V. systems. A cell phone is a small version of a cell tower. With the tower spaced 5-10 miles apart their power output is about 10 watts to prevent interference with other towers. Cell phones hold a greater risk than a cell tower. If I thought for a

minute it was a high risk I would not allow them to build it here especially with my wife and I being the closest to it. I consider them safe and urge you to hear the other side of it.”

Chair Eckman invited anyone else to come speak.
No one came forward

David Underwood asked “Ms. Farmer. There was a lot of talk about the Frog Pond tower that sits about a mile away. When I was looking at this, is that tower a part of yours? Verizon’s?”

Ms. Farmer stated “That one does not have enough space at the height required to enhance the system.”

David Underwood asked “Is that tower shown on this map?”

Ms. Farmer stated “ No I do not believe it is shown on this map.”

David Underwood stated “Because Frog Pond [name of tower] on the coverage map is between the two Locust towers and that is not where it actually is.”

Ms. Farmer stated “ Even though it does sound close, sometimes as much as a half a mile is too far away.”

Mr. Remsburg stated “ I believe the Frog Pond tower is actually on Canton Road.”

Mr. Underwood stated “It is up beside Pleasant Grove Church, but is that the tower they are speaking about when they say a mile and a half away?”

Ms. Farmer stated “When the site acquisition person began their study to locate the property to put this, they considered all towers within a particular range and what they would do is take the information and provide it to the engineers at Verizon. It did not fit into their scheme as far as height and system requirements needed for what they were trying to do. Before I submitted the application I did a search through the database to look for towers that may have been missed that they could use and there were none. I sent a certification along with the application that says there is no structure within the distance needed. Some towers can be only a quarter of a mile range. A tower that is a mile and some away can simply be considered too far away. We have established there are existing towers, not all are Verizon towers but Verizon could have antennas on them. Speaking to all the concerns about health, I understand that the bureaus responsible for the broadcast keep all of their studies current. I get monthly newsletters on the emissions and frequency. What we have is called a non-ionizing radiation, this is so low in energy it cannot modify any molecule in the body. If you have a wireless router in your home it puts out more RF than those towers do. You can read and find that. What comes off the tower comes in the form of a shotgun blast, there is no spread. The signal goes from tower to tower. You have to be 100 foot tall to have any penetration with what is going on up there. You can find that information in multiple places. It is not energetic enough to change a molecule in a human being. I understand the visual impact. Most people now because of technology, they more often than not go to an area where there is a tower. There has not

been any substantial information out there regarding property values from this. I also provided a record that there was a certification from an RF engineer. They are much lower than what the FCC requirement was.

Joel Mauldin asked “The people that are here that are against this, what are the majority of users here with? Verizon? AT&T? What I am getting at is, it comes down to money. At the end of the day they cannot make a deal with AT&T to make it work, then it comes down to numbers and it is cheaper for them to go out and build another tower. I have dealt with this before. When I see these line up this way, I am just wondering if it is more convenient for you to throw up another tower as opposed to working with other folks? That's what it appears like.”

Ms. Farmer stated “I can assure you that if there is an existing tower in the area, they are going to go on it. It is going to save them hundreds of thousands of dollars. It is not just steel they are putting in the air. We have due diligence studies we have to go through before we come before you all. That has to do with historical concerns, environmental concerns, we have SHIPA, NEPA, etc. questionnaires that we have to submit and pay for. By the time the tower gets in the ground they have spent a lot of money for these certifications and licenses. A co-location saves them and spares them from all that costs. They will be given assurances from that tower owner that all those steps have been done and passed to make sure the antenna they are proposing will fit on that tower. There was a company in the past that would not allow for co-location but that has since changed.”

Joel Mauldin asked “How many times do these guys change the leases? They will buy and sell towers all the time. I get letters every month about my tower.”

Ms. Farmer stated “I wish they would not do that. I personally am a consultant and I do not do that. I think it is bad practice.”

Candice Brasington stated “What I am hearing is just like we have roads to expand for growth, we need to expand this to meet the needs and the population. As far as the concerns about radiation I think a lot of us are always concerned about that. I am very familiar that we all have ovens, light, microwaves, etc. which are emitting radiation all the time. If there was a true concern with this, we would get rid of them. If the world were perfect I would love to live without a cell phone. As far as the concerns about radiation, you made that comparison: we have radiation from power lines, transformers, street lights, etc. If people are concerned would they be willing to give up their cell phones? It sounds like radiation is not a big concern. About visibility and fall zone, I read that it was in a fall zone that would not affect anyone's property. With visibility I know there is not much to do with something so tall.”

T.J. Smith asked “What technology are you putting on there that brings the need for a new tower?”

Ms. Farmer stated “Right now we are enhancing what is already there. We have 4G, LTE that is what has permeated this area so far. 5G is not available in this area yet, it will be. Once it is, that equipment will be installed on this facility as well. Right now we are enhancing the existing towers. They all work as a

cluster. There are areas that still need service and be promoted within this cluster. So it all works interconnected. It may appear that there is coverage in your home but that does not always translate to someone driving down the highway and having an emergency and needing an EMT and they can't get through. It is a triangular thing.”

T.J. Smith asked “So the dire need is emergency or availability ?”

Ms. Farmer stated “Both. because we allow EMT to locate for free.”

T.J. Smith asked “For Verizon to work as it sits, you have to have this?”

Ms. Farmer stated “Yes, they would not be spending this kind of money if they did not believe that.”

Tim Fesperman stated “ I travel highway 24-27 pretty regularly and it is becoming a major highway. This is why the state is spending tons of money to make it a four lane highway to Raleigh. As you travel this road you will see more of these pop up because people want more of this service as they are traveling. Liberty Hill Road and Frog Pond area has always been a bad area. I was talking on the phone coming here and it dropped the call. There are issues out there around Liberty Hill. I am with Verizon so it's a cell phone. It was developed as increased usage, these cells would be added.”

Candice Brasington stated “I have heard it's all about the money. But everything we do, money is involved. Money is needed to make a business run. Sometimes these things are necessary if we are going to progress. I understand the concerns about radiation but I think you have addressed that adequately. Is everyone who is concerned about this, ready to give up their cell phones, laptops, iPads?”

Derek Cullingford “I appreciate y'all being here, and the job you do. You aren't ever going to make everyone happy. I just wanted to mention a couple of things. Health implications, it's there and it may not be there. It depends on where you read we all know that. Need-based, me personally I don't have any issues. I work for a behavioral health company and am on the internet all day long with my two sons, we are on AT&T and Spectrum so we have no coverage issues. I am a little concerned about the lease structure. He is going to have very little rights, they will have all the rights. I know a few people who own these in town, my wife is a dentist here in town and owns one and gets calls constantly. The last thing is property devaluation. This is something I am going to touch on from a different point of view. I don't plan on ever selling my property. I am not really worried about the devaluation of the property. The Hinsons have lived there for 7 generations. You are going to find that everywhere. The last thing I want to mention is the board behind you [the mural on the wall]. I want you to see what the board is, a lot of that speaks to me of old time and heritage. I have had chances to move and I didn't because I love Stanly County. I am for progress. I don't mind seeing us advance. I am not one of those who want everyone to go by us. I complain many times about that. All I ask you is when you think about our heritage please systematically apply your approach to progress, how do we want to progress? Just so you don't look back and say “ I wish I would not have made that decision.”

Motion: Candice Brasington made a motion to approve

Second: Michael Williams

Motion: Denied - did not carry: 4-3

Chair Eckman stated “ With the recommendation of this Board to deny the request, the Planning Department staff will consult with the petitioner to consider whether they wish to proceed. If so, the Planning Department staff will propose to the County clerk that the rezoning request be placed on the agenda for the April 5, 2021 meeting of the Stanly County Board of Commissioners.”

Chair Eckman introduced the second item on the agenda. This is a series of text amendments to the county’s land-use ordinances - Zoning Ordinance, Subdivision Ordinance, Minimum Housing and High Grass Ordinance and Flood Damage Prevention Ordinance to comply with requirements of the NC General Assembly by the creation of NC General Statute 160D.

Chair Eckman asked for a motion for this to be brought off of the table

Motion: Candice Brasington

Second: Tim Fesperman

Approved: 7-0

Chair Eckman invited Clerk Bob Remsburg to report on the details of the request

A three minute recess was called.

Mr. Remsburg stated “Before we move forward, we need to make sure you clearly state a reason for the denial. It is just a recommendation to the board but there is a legal matter regarding that. What was the reason to vote to recommend denial? It is your job as a board to recommend how something is not consistent with the land use plan or unreasonable in this case. So You have to make a consistency and reasonableness statement. It is your job to clearly state the reason why. If the reason to deny has to do with a concern about RF radiation then I need to know that.”

Chair Eckman stated “I would like to see more evidence for the need.”

David Underwood stated “I wanted to make sure that Frog Pond Tower was right. To me it was not proven to me. All I heard was we cannot use that tower. The last time we approved one, a balloon test was done.”

Mr. Remsburg stated “We have a letter available that states the RF radiation was not the issue and was approved by the engineers.”

T.J. Smith stated “I feel like we don't have sufficient education on the whole thing. I got a map that says it is needed. But, I don't know if it is.”

Candice Brasington stated “ I saw the need, I mean just the way things are going nowadays. The population is growing and how this year has gone. It is just a matter of time. Just like the highways expanding, this too will expand.”

Bob Remsburg stated “For purposes of what gets presented and state statute, there will be a memo composed to the Board of Commissioners from the chair that basically states why this recommendation was made.”

Chair Eckman stated “I would say there was a lack of evidence provided to the board as to why there was a need for a tower in that location.”

Mr. Remsburg stated “So, what is currently before you now is the amendments. The reason it got tabled at the last meeting is because it had not been fully reviewed by the county attorney and that status has not changed. After talking to the county manager and county attorney, if there are particular areas of concern then they recommended that we involve the attorney. However, if not then we can move forward. So, I went back through the ordinance to see if there is anything else there that needs to be addressed or raises a concern. I did not find anything particular. You may have found something going through. I did make a couple of changes. Everytime you go through the ordinance you see things that could change. The other thing to keep in mind is the land use ordinances, we are probably not going to hit the bullseye maybe ever. We are going to find something on down the road that does not make sense or we have missed along the way. We were asked by the county manager to not make substantial changes. There were a few things we took advantage of to change. Since the last meeting, we have made a couple of updates. The School of Government keeps coming out with things. The biggest change is 1103.2 to section D and E, page 196 and it talks about the statement of reasonableness and consistency. As you have gone through, is there anything that is jumping out at you on the zoning ordinance?”

Candice Brasington “Can I make a comment about something? Under home occupation it is saying that you can have a rural home occupation if you are not in a subdivision or development. So, it mentions the property has to have 10 acres to acquire a home occupation?”

Bob Remsburg stated “ No, the key word is rural. So if we go back to section 415, rural based business. It should say rural based occupation. Rural based business is generally in the RA district. It is more intense than a home occupation. Section 411 is customary home occupation, a little more intense would be a rural home occupation. In the R20 district it says that you can have one, but it can't be a part of a major subdivision and has to have ten acres. If you are in the RA district you can go to 412 and 415 if you have enough land.”

David Underwood asked “ Are you looking for an adoption here?”

Mr. Remsburg said “You can do one motion, four separate motions, but it needs a recommendation in order to go to the commissioners.”

Bob Remsburg stated “In the subdivision ordinance is section 66-7B, remember the question that came up from a member of the audience, have we ever done a traffic analysis for this? Part of the confusion was caused by where it is located in the ordinance. There is a requirement that if 200 trips per day are generated it has to have a traffic impact analysis. DOT has an extensive document with this, it is an expensive requirement. I asked Chambers Engineering what it would cost and his response was we don't do them, but it would range between five and ten thousand dollars.”

Tim Fesperman stated “DOT normally requires those and the City of Locust does but it normally defaults back to the DOT standards because they have their regulations and for them to grant access to the subdivision it has to be done their way. It could cost upwards of \$15,000.”

Bob Remsburg stated “All of our subdivisions will lead onto state maintained roads. In municipalities they may go to a city street. In this case, we deal with state roads. Part of me wanted to default this and say we will require one if the state requires it . If DOT requires it, so do we. They require one if it generates 3,000 trips per day. There are roughly nine and a half trips per day, per household. DOT's cutoff is 315 houses. So if there are 315 or more houses then you do a traffic impact analysis. Our ordinance says we should do it at 200 trips per day which is about 22 houses. Are 22 houses going to have a significant impact on a state maintained road? That is probably not a reasonable number. If you read on down, letter E says “any major subdivision that will contain an excess of fifty lots or an excess of 500 trips per day, shall construct turn lanes at the entrances to DOT specification.” I suggested taking out the excess of 50 lots. Just 50 or 500 trips, one or the other. We could simply say to match DOT.”

The consensus of the Board was to change the language to 500 trips per day.

Chair Eckman asked for a motion to recommend that the Board of Commissioners approve the amendments to the Zoning, Subdivision, Minimum Housing and Flood Damage Prevention Ordinances to meet the standards established by NCGS 160D.

Motion: T.J. Smith

Second: David Underwood

Approved: 7-0

David Underwood recommended to make a change to the rules and procedures making the time of the meetings to 6:30 p.m.

Motion: David Underwood

Second: T.J. Smith

Approved: 7-0

Adjournment

Motion: Michael Williams

Second: Joel Mauldin

Approved: 7-0

Time of Adjournment: 8:05

Chair, Jay Eckman

Clerk, Bob Remsburg