



Stanly County Planning Board
May 10, 2021- Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on May 10, 2021 at 6:30 p.m. in the Gene McIntyre meeting room at 1000 N. First Street, Albemarle, North Carolina. Bailey Emrich 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

Ms. Emrich stated that there were enough members present for a quorum.

Stanly County Planning Staff Attending Bailey Emrich, Planner I ; Tim Swaringen, Code Enforcement Officer

Others Present: Attorneys representing the community members, Attorney representing Cellco partnership with Verizon Wireless Verizon Wireless, community members, Cellco Representatives

Chair Eckman asked for a motion to approved 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 March 9, 2021

Motion: David Underwood

Second: TJ Smith

Approved: 7-0

Chair Eckman announced the first item on the agenda was ZA 21-05. This is a request from Cellco Partnership to assign the Telecommunication tower Overlay District to a portion of a parcel owned by Charlie Hinson Jr. on McLester Road. This item was remanded to the Planning Board by the County Commissioners to review additional information and make a recommendation to the Commissioners for their approval or denial of the request.

Chair Eckman invited Planning staff to share information regarding the case.

Ms. Emrich stated the following:

Before I begin I would just like to say that the County Commissioners remanded this and sent it back down because they do respect and value your opinions. Since further information was collected they wanted you all to get another chance to look at it as well.

Since the Planning Board met in March additional information was presented to the Planning Department by Faulk and Foster (Cellco), concerning the proposed tower to be located off McLester Road. The Planning Department has also learned about General Statute 160D-933 which governs the zoning of telecommunications towers. Copies of the General Statute and other related information have been included in your packet. Also, please see Dr. Eckman's memorandum to the County Commissioners.

Because more information has been made available, the County Commissioners voted to remand this case back to the Planning Board for your further review and recommendation based on the new information.

NC General Statute 160D-933 states that "a local government's review of an application for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure shall only address public safety, land development, or zoning issues. In reviewing an application, the local government may not require information on or evaluate an applicant's business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site. A local government may not require information that concerns the specific need for the wireless support structure including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity."

There are also restrictions in what the Board can consider based on the Telecommunications Act of 1996 adopted by congress. The Stanly County Zoning Ordinance language in Section 614 closely follows the language in this act and the NC General Statutes. The Telecommunications Act and the Zoning Ordinance do not allow the Board to consider health effects of RF radiation regarding wireless infrastructure. A letter from Mr. Asif Rafiq, Manager of RF System Design with Verizon has indicated that the proposed tower will meet all FCC safety guidelines "relating to potential RF exposure". According to the Telecommunications Act, the Board "shall not unreasonably discriminate among providers of functionally equivalent services; and shall not prohibit or have the effect of prohibiting the provision of personal wireless services." The

Planning Board and Board of Commissioners are required to “act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed..” Any decision by a State or local government... “shall be in writing and supported by substantial evidence contained in a written record.”

Keep in mind that the placement of the proposed tower meets all requirements of the Zoning Ordinance and the application presented by Faulk and Foster for Cellco is considered by staff to be complete.

The propagation maps provided do not include the Frog Pond Tower because this tower does not provide service for the proposed carrier, Verizon. Since this is proprietary information, it would be inappropriate for the Planning Department staff or the Planning Board or the Board of Commissioners to request additional information beyond the statement from Verizon which indicates that no other tower is available to fulfill their need. Based on staff inquiry and research, the indication of need from Verizon is proprietary and, even if individuals indicate no issues with their personal service, the Board must accept the statement of need from Verizon as fact.

NCGS 160D-933 allows three considerations for local Planning Boards to recommend approval or denial of a telecommunications tower. Those are: “public safety, land use, or zoning issues addressed in its adopted regulations, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.”

1. Public Safety - since Boards cannot consider radiation, the primary concern may be fire or tower collapse. Images of cell towers on fire (cables, electronics) do exist and the fires can be impressive. The fire tends to be limited to the cell tower itself. This tower is 950’ from the closest existing residential structure (house belonging to Mr. Hinson, the applicant). The Zoning Ordinance requires any existing residential structure to be at least 300’ from the tower base and be set back at least the fall zone distance from adjoining properties. This tower with its proposed signage and setbacks meets the requirements for public safety as described in the Zoning Ordinance.
2. Land Use - The Zoning Ordinance states that “towers which are located in a stand of trees, rather than in an open field, are preferred.” The proposed location is abutting a stand of trees on one side. Landscaping is required on sides away from the existing wood line. This is located in a Growth Area per the Stanly County Land-Use Plan. The Planning Board has stated in recent cases that they would rather see a tower appear as a tower and not have faux tree parts attached. The Zoning Ordinance states that the Board of Commissioners “may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.” The Zoning Ordinance does state that “the Planning Board and the Stanly County Board of Commissioners may take into account the tower’s harmony with the surrounding area and its compatibility with adjacent properties.” With this in mind, the Boards may consider whether another location would be more compatible; however, if the provider states that this is the best location for their business purposes, it may be difficult to justify requiring another placement. A 2016 court case, Branch Towers, LLC, and T-Mobile South LLC

vs. City of Knoxville, provides a good background for how difficult it may be to require a different location.

3. Zoning Issues - The information provided by Faulk and Foster meets all the requirements specified in Section 614.5 of the Stanly County Zoning Ordinance for the placement of a new telecommunications tower. The intent of Section 614 of the Zoning Ordinance is "To direct the location of communication towers in Stanly County" and "To protect residential areas and land uses from potential adverse impacts of telecommunications towers." To accomplish these intentions, the ordinance specifies setbacks and distance from existing residential structures and encourages towers to be located "to minimize adverse visual impacts... through careful design, siting, landscape screening, and innovative camouflaging techniques." This proposed tower is adjacent to a woodline and is around 900' from McLester and Liberty Hill Church Roads. The proposed tower is a monopole tower as required by the ordinance and is located approximately 3,800' from NC 24/27. Monopole towers tend to be a bit less intrusive than lattice towers and, as stated earlier, the Planning Board has expressed a dislike for towers that are designed to look like trees.

Faulk and Foster had provided the supporting documentation with their initial application and staff chose not to include all of this information to you prior to the previous meeting since previous tower applications had received no or very limited opposition. Again, I would like to remind you that this was sent back to you all because the commissioners do respect your opinions.

Chair Eckman asked if the Planning Board had any questions for Planning Staff
The Board had no questions

Chair Eckman stated "Before we begin I would like to thank everyone in attendance this evening and make everyone aware of a few things. At the last meeting some of the concerns that were brought before us were safety and health impacts. Guidelines do not allow this board to consider RF radiation in its approval or denial. Also concerns were raised about if there was a need for this tower. Discussions on the signal and dropped calls were made and guidelines do not allow us to consider this. Financial impact was also an issue discussed yet we cannot consider.

Mr. Eckman quoted part of 160D-933.

I ask that anyone who wishes to speak brings new information, we do not need to re-hash everything from the last meeting.

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

Ms. Farmer shared the following

Mr. Chairman and members of the Planning Board thank you for allowing me to speak again. As you know this application is a request for Verizon to have the cell tower overlay district as is allowed by section 614.2 in the ordinance. The characteristics of this proposed site are a 195 foot monopole with a 4 foot lightning rod to be in a 10,000 square foot leased area. The security

fencing will be 8 feet with 3 rows of barbed wire as required by the ordinance. Ground equipment will be in the fenced in area. We do have an easement from McLester Road. The purpose of this site is to show Verizon's need for coverage in that area and the additional benefit of the new tower will add extra capacity, improve network data speeds for Verizon customers. A signed letter by the site acquisition company will show there were no other viable candidates besides Mr. Hinson. The site as proposed conforms with federal, state and county ordinances. I would like to introduce a few people to help with this case. First I would like to introduce Mciahel Berkowitz. He is a North Carolina certified real estate appraiser. Following him is John Yakely with Verizon and Attorney John Webster. If there are any questions following the speakers I will be happy to assist.

Michael Berkowitz shared the following

I am a certified general appraiser and I have been asked to perform an impact study of the proposed tower. I provided an impact study report which I provide a qualitative and quantitative analysis which will not show a diminution of value in abutting properties similar developments. Because this was in a growth area I provided information from residential subdivisions from which you could also see towers. Regardless, the market does not show a diminution in value of the proposed tower. I will be happy to answer questions.”

John Yeagley shared the following

I am with Chase Real Estate Services in Charlotte North Carolina. Chase Real Estate services provides site acquisition work and services to Verizon Wireless. We have worked with them the past 20 years in North and South Carolina. In regard to this site the Verizon team and RF team provide us with a search area and ask us to identify and find interested property owners that we can lease land from that meet the criteria of the zoning ordinance. We identified 18 parcels within a quarter of a mile circle. Of the 18 parcels, 10 of those parcels did not meet any setback requirements, 3 parcels with land owners that were not interested, 3 people did not respond to our letters, 1 parcel had no access or right of way, and this left us with the one parcel that we identified that met all of the requirements. We placed it very far back from the road. It is 700 feet from McLester road and about 800 feet from the other road. I will answer any questions.

John Webster shared the following

I am here not as an expert. My job is to basically review that information and to make sure the requirements have been met. Thank you Bailey for the presentation. She was able to summarize most of these things. There are public policy decisions that have been made that trickle down to you as a board. That public policy has dictated this and a necessity based on the criteria presented to you. There is an emergence of need for these for public protection such as 911 calls. All of that said, generally speaking, if a telecommunications provider comes before these boards and meets all requirements, there is only one conclusion which is to approve it. Verizon has given all of the necessary information. I will say this, some of that information provided to you is not relevant to your determination as far as the zoning issue is concerned. It is just information they willingly provided. I appreciate the reminders of the limitations that the board can consider. We ask you all to move forward and approve this.

Chair Eckman invited those in opposition of the request to speak

Attorney, Chris Duggan shared the following

You never have to worry about another cell tower in the overlay district, all you have to do is stamp it. That is what they are telling you. Because they met the requirement and got a letter from some guy out of state, there is a need for it. They are the ones who brought up there is a need for it, there is a necessity of it but yet you can't listen to it. I suppose they are relying on the state statute to not consider any repercussions that are here today. What I will tell you is that you are allowed to consider aesthetics, that is in the statute. It says the local government may review the following "applicable public safety, land use, zoning issues addressed, and adopt regulations including aesthetics, landscape, land use based on location priorities, setbacks and fall zones." Well it does not have anything in here that says exactly what is the aesthetics. Here is the situation, the aesthetics of this thing is encapsulated to you in the letter you all received by my clients with the attachments. We all saw those letters from local real estate agents in town that have talked to you all in their letters and told you that there is a 20 percent reduction in it if you live there. Who is going to buy that property? And they are saying you will get a reduction simply because it is there. It is a substantial reduction based on the aesthetics. We have this study prepared by Verizon, and I like the pictures especially that show the tower standing above everything else. You will now see this everywhere, from whatever vantage point they have. You know what I was unable to determine? Where exactly those homes are in relation to the cell tower. It is a report to say, "Trust us". I want to read you an excerpt from a fourth circuit court of appeals. "AT&T Wireless versus the city council of Virginia Beach. Talking about your legislative body, it is not only proper but expected that a legislature and its members will consider the views of its constituents and the compelling forms of evidence in zoning and all other legislative matters. These views are widely shared and will often trump those of bureaucrats. In addition in this case Verizon had numerous experts to say it is a necessity. The repeated and widespread opposition of the citizens, is more than a mere scintilla to persuade a reasonable mind to deny the application. We should wonder at a legislature that ignores such evidence from its constituents. Those who seek to fill will come armed with evaluations and exhibits by urging us to hold that local governments must approve these applications. That is tooth work democracy."

I will leave you with that, my folks will discuss further why they have not considered co-locations more. Specifically the Red Cross tower. Companies can share towers, they can battle who is on top.

Andy Hinson shared the following

They have been quoting this NC statute like it is gospel which I knew they would do. What they are not telling you is that the FCC is trying to regulate local governments and where they are able to put these. It has been that way for 24 years and it hasn't changed. Local governments are in the best position to know where the best responsible placement for these facilities is. They know the community, historic district and scenic areas. Smart planning provisions are provided to meet three objectives simultaneously. The first, is to allow wireless carriers to saturate a municipality

with coverage. According to their website the area is saturated with what they deem as excellent coverage. Number two, is to minimize the number of towers needed to provide that coverage and number three is to the greatest extent possible to avoid irresponsible placement of facilities that would adversely impact homes and neighborhoods. They will likely affect property values and have an adverse visual impact. According to the federal government each one of those is a valid grounds to refuse the application. Less than a 200 foot fall zone is insufficient. It is really the site developers who are pushing these things and they make money building wireless infrastructure. They do not want to build in the least intrusive places they want to build where the people are. You have a right to know where the gap is, you have a right to know if this tower will fill these gaps. If you don't have that they will be back in 6 months with another one. They need to provide two things, a lack of coverage from the gap and that there are no other less intrusive locations.

Mr. Hinson showed a map from Verizon

As far as this appraisal. If you notice they repeat extraordinary assumptions. Realtor letters do not rely upon extraordinary assumptions, they rely upon local people with local knowledge of the area. I spoke to several appraisers. They all pretty much told me I would be wasting my time. The data is so inconclusive it is almost useless. I hope you consider all of this.

Mason Hinson shared the following

I am speaking for more than just myself. It sounds like y'all don't have a choice. I have read through the same laws. You can deny it because of the aesthetic of the scenic historic area which creates a huge devaluation of property which we have met with our letters and statements. As far as Mr. Berkowitz's letter, he did speak to him. The extraordinary assumption is a hypothetical condition. It is what everything on there consists of and the data provided was subdivision. We are not a subdivision. Those are the furthest things from scenic. So that proved our point really. I am not interested in the hypotheticals I am interested in facts. The second reason this could be denied is their failure to show a complete and present need for it in this area. We went over this before and it changes every time. At first it was no, the Frog Pond tower is too far north, then it was once we proved we don't need it in the area there is no need to go further north. There is no drive test, balloon test, I would love that. You could see the visual impact. Just simply provide the drop call data. The third reason is that Verizon has not done their due diligence to find a more suitable area. They said they looked at a 1,000 feet area and they sent out 3 letters that did not come back, and 3 letters that people did not want to. What are those locations? I would love to know exactly where that sector is that they are speaking about. Or why those people turned it down. I have driven past a place with 55 acres for sale at the end of Liberty Hill for the last month. I am also still worried about this fall zone. We just had a tornado the other week. This tower can fall. It is a danger.

Charlie Hinson shared the following

Verizon contacted me about a year ago about a location. After careful consideration I allowed for it. The location is at least a quarter mile from any highway, wooded area and I feel this site is a good location regardless of all of the negative information that has been presented against it. Cell phone towers receive radio frequency signals much like the new emergency communications

system the county recently installed with no adverse effects. The tower is needed because the service in that area is barely adequate now. With the increase of high speed phones, Verizon is looking at the needs of the community for the future as well. I respectfully request that you give Verizon the chance to upgrade their service and help the community for the many years to come.

Buddy Feis shared the following

I pay my taxes on time. I know that was brought up last time. I feel like the deck is stacked against us with the laws and the rules that the state has. Bottom line is we don't want it in our neighborhood. We don't want people from out of state coming in and erecting it and leaving it for us to handle. I don't see there is a need, we have good service now. I feel like every effort has been made against us. They have had a year head start. We have been scrambling, taking up our time and money. We did not bring this on one another. We just want them to find a better place to put that tower. If it is to serve 24-27 then why is it a mile away. Bottom line is Mr. Hinson won't have to look at it, it will be out of his back door. The ones around him will be looking at it.

Mr. Berkowitz asked to rebuttal some of the comments

Mr Berkowitz shared the following

As an appraiser usually in an appraisal, you use extraordinary assumptions. The only extraordinary assumption I used in this was that with the other experts here, I was not going to assess their expertise. I am an expert in property evaluation and have been certified as an expert witness in over 40 jurisdictions in this state. I could come up with a lot more examples in other counties where the exact same thing is. My job is to reflect the market, and the market value of property. I have never seen a quantitative analysis that says in the market there is diminution in value. A broker does not have an agreement to sign to say it is 20 percent less. They do not go through the training I do. I ask you to consider that. I will provide more examples at the Commissioner meeting as well. But to question my integrity, I do not like that. I am happy to say this tower as proposed would not cause a diminution in value which is also a part of the aesthetics, which if you drive around this county you will see infrastructure all over the main corridors.

Mr. Yeagley shared the following

As a site expert who has done site acquisition for verizon for 20 years I will tell you we looked for existing towers to meet the RF objectives everytime. If we found those, we would not have to be here this evening. We always look to co -locate. He said Verizon is building this site just to make money, this site is developed by Verizon. They are building and owning this tower. The site is 205 feet from the closest property line, although there is a 150 foot fall zone.

Joel Mauldin asked “What was the actual height of that tower?”

It is 199 feet to the top of the lightning rod. It is 195 feet to the top of the steel. So then you have a 150 foot fallzone, in the unlikely event something happens they normally bend. If it falls like a tree, then it would still be all on the parent parcel. We basically over engineered this. We went to the effort so it would crumple in half.

Chair Eckman invited anyone else to speak
No other audience members came forward

Motion: TJ Smith made a motion to deny the request based on Section 614.04 and the proposed cell tower can be placed in another location outside of the developed residential area, where the current proposal is located. It is an intrusive visual impact on adjacent property owners and residents.

Second: Michael Williams

Denied: 5-2

Candice Brasington stated

I was once a realtor in Myrtle Beach and we were not experts on the complete valuations of properties. We would do research on comparative market analysis. It was the appraiser who made the final determination of value. We were not experts. The appraiser made the final call.

Chair Eckman stated the Stanly County Commissioners will be reviewing this request at their May 17, 2021 meeting at 6:00 pm. This request was continued at the last Commissioner meeting, additional comments will be heard.

Chair Eckman introduced item SD 21-01 a preliminary plat approval for a major subdivision on the corner of River Road and Renee Ford Road named Garmon Mill Estates by Burlson Square LLC.

Burlson Square LLC (Joseph Burlson) has requested review of a preliminary plat for a proposed subdivision located on the northwest corner of River Road and Renee Ford Road southwest of the Town of Stanfield. The parcel contains 40.14 acres and Mr. Burlson has planned a 42 lot subdivision of the property with all lots exceeding 30,000 square feet. The property is zoned RA- Residential Agricultural which has a minimum lot size of 30,000 square feet. The Town of Stanfield Utility Department can provide water and hydrant infrastructure for the subdivision. Mr. Burlson has contracted for a soil scientist to review the property for septic systems which will be required for wastewater disposal. Preliminary report from the soil scientist indicates that the soil is good for septic systems.

Mr. Burlson has allowed for one entrance on River Road and two future connecting streets to adjacent parcels. The subdivision street network has been reviewed by NCDOT District Engineer, Marc Morgan and meets his approval. If additional homes are added to adjacent parcels using this network of streets, turn lanes may be required. Since this proposed development falls below the threshold for a Traffic Impact Analysis, this is not required. As you all remember you changed that to 300 trips per day and he does not meet there, therefore he does not have to do one. NCDOT would take over maintenance of the street once the development is well underway and the streets meet required specifications. Traffic on River Road is 1,300 vehicles per day in 2019. The US Postal Service will likely require a central mail facility.

Mr. Burleson plans to add a lane to the road to allow a pull off for those retrieving their mail. This parcel is in a growth area as designated in the 2010 Stanly County Land-Use Plan. The preliminary plan for the subdivision includes the formula for reaching the required 100 points of the Construction Criteria Point System. This plan meets all requirements of the Stanly Subdivision Ordinance and approval is recommended. I also know that Mr. David Ezzell from environmental health has been out there and that has been going well.

Chair Eckman asked if there were any questions for Planning staff.
There were no questions.

Chair Eckman invited Joseph Burleson to speak on behalf of SD 21-01

Joseph Burleson shared the following

Mr. Chairman, members of the board I want to thank you for all you do and what you do for the county. I think Bailey hit all of the high points, I believe we meet all the requirements. We are asking for approval this evening. I will elaborate a little more on the soil evaluation. David has been out there for about a week and about $\frac{2}{3}$ of the way through the project. We're expecting to get all 42 lots done and we are over 30 now. Most of them are approved for a conventional, 25 percent reduction system.

Chair Eckman asked if there were any questions for Mr. Burleson

Tim Fesperman asked "So are you all perking each lot?"

Joseph Burleson stated "Yes, we have dug back-hoe pits on each lot and David is through about $\frac{2}{3}$ of it."

TJ Smith asked "30,000 square feet, is that half an acre?"

Joseph Burleson stated "Half an acre would be 21,000. 43,563 is an acre so about $\frac{3}{4}$ of an acre"

Chair Eckman asked if anyone else was there to speak for or against.

Motion: Michael Williams made a motion to approve SD 21-01 by Burleson Square

Second: Candice Brasington

Approved: 7-0

Chair Eckman introduced item number three, SD 21-02 Jacob Tarlton subdivision on NC 73 just North of City Lake.

Chair Eckman invited Planning staff to give details of this request.

Ms. Emrich shared the following

I will preface by saying I spoke with him Friday and this morning and he will not be able to attend, due to another development going on.

Jacob Tarleton has requested review of a preliminary plat for a proposed subdivision located on NC73 just west of City Lake. The parcel contains 8.17 acres and Mr. Tarleton has planned a 7 lot subdivision of the property with the smallest lot exceeding 37,000 square feet. There were three lots split from this parcel in October 2020 as a minor subdivision. You all may remember him, he was the one who suggested the text amendment of a minor subdivision go from 3 lots to 8 but you all approved it at 4 lots. The property is zoned RA- Residential Agricultural which has a minimum lot size of 30,000 square feet. The County Utility Department has indicated that water and sewer are available for these parcels. Duane in utilities also confirmed that for me this morning. Mr. Marc Morgan, District Engineer with NCDOT has agreed to allow shared driveway connections for these parcels. NCDOT traffic analysis indicates that 7,100 vehicles per day along this section of NC73 in 2019. A Traffic Impact Analysis is not required for this subdivision. This parcel is in a growth area as designated in the 2010 Stanly County Land-Use Plan. The preliminary plan for the subdivision includes the formula for reaching the required 100 points of the Construction Criteria Point System (see below). This plan meets all requirements of the Stanly Subdivision Ordinance and approval is recommended.

His Construction Criteria Points were as follows:

Public Water in Growth Area – 45 points

Public Sewer in Growth Area – 45 points

4 Trees per lot – 10 points

An email was also sent to the Technical Review Committee and they were all good with this as well.

Motion: Candice Brasington

Second: TJ Smith

Approved: 7-0

Chair Eckman introduced item #4 ZA 21-04 A request from the Stanly County Airport Authority and the Planning Department to expand the Airport Overlay District as shown on the enclosed map. This expansion adds 171 affected parcels.

The Stanly County Airport Authority has requested that the Airport Overlay District Section of the Stanly County Zoning Ordinance be updated. As you likely recall, the Planning Board approved revisions to the text of Section 613 of the Stanly County Zoning Ordinance pending the creation of a map showing any revisions to the Airport Overlay District's boundaries. Due to the expansion of the runway several years ago, 1992 to be exact. The new map encompasses a slightly increased area affecting a number of properties. I believe I mailed out 171 letters. These property owners have been notified by mail that they will now be included in the Airport Overlay District. The Planning Board needs to consider public comments and make a recommendation for approval or denial of the new Airport Overlay District map to the County Commissioners. The Commissioners will consider this at their June 7th meeting. This is an important update to both text and map to bring the ordinance into compliance with the requirements from the FAA.

I will show you all the map, and Ken (Swaringen) may be better at explaining this than I will but when the runway was expanded in 1992 what should have happened along with that is that the overlay district would be expanded, but it was not. The only things that it will really keep people from doing are now included in this area are to not have anything over 75 feet tall and have anything that will interfere with the airway. I did have some calls concerning if they were landing larger planes, but from a Planning standpoint we have no knowledge of that.

Chair Eckman invited Ken Swaringen to speak in favor of the request

Ken Swaringen stated the following

I just want to reiterate some things Bailey said. It does not change the operation of the Airport in any way we will continue to operate the same. Because of the runway expansion and the installation of a precision instrument approach this should have been updated at that time and it was not. We are just trying to bring the airport language in line with the county ordinance. This does not mean we will be landing larger planes.

Michael Williams asked "How does this affect the National Guard?"

Ken Swaringen stated "It doesn't."

David Underwood asked "What do you guys do about the trees? Or a new structure?"

Ken Swaringen stated "We do worry about the trees but it is on a glide slope. It is for every 50 feet you go out, you go up 1. If it interferes with that then we will go from there. We do have a few in the way but they are on airport land."

Chair Eckman invited others to come up and speak for or against ZA 21-04

Kim Gossage stated the following

I am here with a handful of my neighbors. We live in the north of this section. One of the more populous areas on the map. We don't ask it to be denied but for the Board to hold a public meeting to ask questions. The letter we received raised more questions than it resolved. Some questions would be what level are the height restrictions measured? In respect to the gentleman who spoke, the use plan in 2010 anticipated this expansion and it says in order to have 737s. There is no information on who will bear the cost if the trees or structures are too high. We were not made aware of the meeting of the Airport Authority if that was made public."

Chair Eckman asked if a public meeting was something they would do.

Ms. Emrich stated

If you all wanted to vote to table the option, you could do that and it would be continued at the next meeting for more information to be gathered along with more answers to their questions. I would be happy to re-notify the neighbors if they would like. I am sure Ken would be willing to be here again as well.

David Underwood asked “The request did not seem that unreasonable. I understand what you are saying, we just need to fine tune. In order to satisfy everyone's concerns, would you mind coming back to another meeting?”

Ken Swaringen stated “ No sir.”

Betty Snuggs shared the following

The airport is literally in my backyard. I never received a letter. We just saw a sign on our street. That concerns me because I want to know the plan and what is going on. If 150 letters are being sent, how do you miss me? Planes come over my house daily, it is very frightening and affects me, my family, my pets, my neighbors.”

Ms. Emrich stated “Yes ma’am, this map does show it but there is an outer ring outside the yellow area so the growth area of the overlay district is what included the 171 letter that were sent. If you currently reside in the overlay district you were not notified. It was just the new parcels that would potentially be added. But, I would be more than willing to send you a letter as well if you would like to be notified.”

Motion: David Underwood made a motion to table (continue) this hearing until the next Planning Board meeting.

Second: Candice Brasington

Motion to table approved:7-0

Chair Eckman asked if there was any additional information that needed to be presented. There was none

Chair Eckman entertained a motion to adjourn

Motion: TJ Smith

Second: Joel Mauldin

Approved: 7-0

Time of Adjournment: 7:57 PM

Chair, Jay Eckman

Clerk, Bailey Emrich