

AT A REGULAR MEETING OF THE PLANNING
COMMISSION HELD IN AND FOR GADSDEN
COUNTY, FL ON AUGUST 13, 2020 AT 6:00
P.M., THE FOLLOWING PROCEEDING WAS
HAD, VIZ:

Present: Libby Henderson, Chair
William Chukes, District 1
Lorie Bouie, District 5
Charles Roberts, At Large
Jeff Diekman, District 1
Marion Lasley, Vice-Chair, District 5
Steve Scott, School Board Representative

Absent: John Youmans, District 2
Tracey Stallworth, District 2
Doug Nunamaker, District 3

Staff: Jill Jeglie, Interim Growth Management Director
Clayton Knowles, County Attorney
Leslie Steele, Public Information Officer
Beth Bruner, Deputy Clerk

AUDIO ONLY FOR THIS MEETING.

1. Pledge of Allegiance

At 6:21 P.M., with a quorum present, Roll Call was taken by Deputy Clerk Bruner. Chair Henderson called the meeting to order and asked for cell phones to be silenced and microphones muted unless speaking. Charles Roberts led in the Pledge of Allegiance to the U.S. Flag.

2. Introduction of Members (Roll Call)

3. Approval of the Agenda

MR. DIEKMAN MADE A MOTION TO APPROVE WITH A SECOND BY MS. LASLEY. THE BOARD VOTED 7-0 BY VOICE VOTE TO APPROVE.

4. Disclosures and Declarations of Conflict

None were had.

Chair Henderson confirmed with Ms. Jeglie there were no prior meeting minutes to be approved and Ms. Jeglie stated they would be approved at the next meeting.

Public Hearings

- 5. Antietam Wireless Service, LLC, Havana Highway, SR 12 Communication Tower Conceptual/Preliminary Site Plan (SP-2020-04) - A conceptual/preliminary site plan to construct a 250' tall cellular communication tower on parcel located on the west side of SR 12, Havana Highway, referred to as Tax Parcel Id #3-06-2N-2W-0000-00220-0000. Two (2) deviations are requested to reduce setback requirements.**

Deputy Clerk Bruner swore in Jill Jeglie, Interim Growth Management Director. Ms. Jeglie introduced the above item and gave a statement of issue and background analysis for the proposed tower.

6. Planning Commissioners Questions and Comments

Robert Volpe, Attorney for Hopping Green and Sams, 119 South Monroe St. Tallahassee, FL.

Representing the applicant Michael Shine, Mr. Volpe asked for a recommendation of approval. (Option 1) He gave an overview of the agenda request. He stated other antenna room on the tower, like EMS, would bring much needed cell service and broadband internet and data service to underserved areas of the County. He said it would fill gaps in coverage in the area. With the wildlife concern, he said it was an Osprey nest not an Eagle and it was evaluated with the National Environmental Policy Act and said that was a Federal standard for Environmental review. He said there would be no impacts to any endangered or protected species. Florida Fish and Wildlife Conservation Commission were also a part of the review. Photo simulations would be submitted to the BOCC.

Allara Gutcher, Certified Planner, 2311 Lee Street, Lynn Haven, FL, was sworn in by Deputy Clerk Bruner.

Ms. Gutcher reviewed the application and agreed with Ms. Jeglie. She said that siting the tower on the property was challenging due to the level of regulation the LDC provided and fighting with setbacks. She said under the 100 ft. site there was a hole in service on the NW side. She stated they were staying out of the wetlands and were consistent with the Comprehensive Plan. Concerning the overlapping setback, she said they tried to meet as many criteria's as possible and said they were asking for approval of Option 1 with the 2 deviations.

Mr. Volpe stated Ms. Gutcher, Mr. Shine and himself were available to answer questions. He asked the Planning Commission members to recommend Option 1 and recommend approval of the application with the deviations requested and the conditions listed in the staff report.

Ms. Lasley stated she had comments for the staff and she did not need answers, they were just comments for the record. She said she could not read the maps without a magnifying glass and it was difficult and time consuming. She also said it was supposed to be submitted in larger format and requested it happen in the future. She said the Wild and Scenic Rivers map presented was totally illegible and useless and there were multiple copies of many maps in the packet and it was unnecessary and confusing. She questioned who the applicant was and stated the application, in one spot, said it was the Greensboro Highway 65 Project and then the Havana 12 Project. She further stated she did not need to know the legal affairs of Ann Nicholson.

Ms. Lasley's question for the applicants was, how many people could be co-locators on the tower. She said the report said 6-10 co-locators were possible. She thought it would be great if there could be that many, then the County would not need so many towers.

Mr. Volpe said it depend on the need and he knew antennas had size requirements and separation requirements, he thought a minimum of 4 co-location spots but that depended on the maximum size antennas and separation and the need of co-locators.

Ms. Lasley inquired if one co-locator could put a big antenna up and take more than one spot.

Mr. Volpe said some State antennas took up a 30' span but each were different.

Ms. Lasley asked if Gadsden County wanted to put up an antenna, was that considered one of the four (EMS) or was that a separate issue.

Mr. Volpe said they would be allowed to co-locate on the tower and the size and need requirements for that infrastructure would be taken into account with other co-locators.

Ms. Lasley asked who would hold the insurance policy for the towers and equipment.

Mr. Volpe did not know that answer.

Michael Shine, Antietam Wireless Services, LLC, 103 Carnegie Center, Suite 300, Princeton, NJ, 08540 was sworn in by Deputy Clerk Bruner.

Mr. Shine said he was developing the tower in conjunction with Vertical Bridge Development. He said each of them would hold an insurance policy for liability for any event that would occur on the property related to the structure.

Ms. Lasley asked if that would be for the life of the tower and Mr. Shine said yes, the entire lease term.

Ms. Lasley asked what lighting was required for the tower.

Mr. Shine said the FAA required a mid-level system or hybrid system which was a flashing white strobe light in the day and red flashing at night.

Ms. Lasley asked if the vicinity to the airport changed any lighting regulations.

Mr. Shine said the FAA had calculated the location of the tower to the airport and that was part of the recommendation.

Ms. Lasley said the citizen concerns were listed in the packet but there was no data as to a response given to their questions. She wanted to go through those items and know what was said about the radio frequency radiation, generator power, steep slope and the quality location plan, she asked for input from the applicant on what the citizens were told in regards to those questions.

Mr. Volpe said those were issues that were not discussed, those were part of a discussion at the CBOR Meeting and in accordance with the CBOR Ordinance the applicant was prepared to address things discussed at the CBOR Meeting. He stated any radio frequency questions were addressed and regulated by the FCC and the FCC requirements were met.

Ms. Lasley asked if once an antenna was up, did it emit a static amount of radiation at the same level all the time.

Mr. Volpe said he did not know; he said the tower design was within the requirements put forth by the FCC.

Ms. Lasley asked if the generator was going to be wired directly and run by Talquin Electric.

Mr. Volpe said the generator would run once a day for a short period. Ms. Lasley asked what was a short period and Mr. Volpe said less than an hour once a day.

Ms. Lasley asked what was the purpose of that.

Mr. Volpe said he would have to defer to a more technical expert on that, he stated this was a Land Use and Zoning matter not a technical operational tower.

Ms. Lasley stated but you are asking us to approve variances for this project. She thought homeowners needed to know what they were going to have to be dealing with and the noise of a generator was an issue that concerned her.

Mr. Volpe said the noise of the generator was less than a typical truck on Hwy. 12.

Ms. Lasley said that was depending on how big the generator was. She said if Honda made it, maybe. She said steep slopes were mentioned and tree cover, and asked if there were the slopes where the tower was.

Mr. Volpe said he thought both issues were misunderstood by the citizens. He said the site was not as far back as thought where the steep slopes were as the property went back from Hwy 12, the property did slope down past the tower site, down to where the wetlands were on the far West portion of the site, and concerning the tree cover, the tower site was located in an area that was timber pine trees, no natural tree cover. He further stated there were no high-quality trees. He said the 20" or greater in diameter trees would not be impacted and this was an area that were agriculture trees that would be harvested regularly. He said both questions, when brought up at the CBOR Meeting, were just misunderstandings on where the tower was located on the site.

Ms. Lasley said the tree cover issue was a concern because it was a commodity and would be clear cut from time to time, and that statement could change, about seeing the towers, when those trees were cut. She asked about the Fall Away Plan.

Mr. Volpe said he had spoken with Mr. Croley several times since the CBOR Meeting and Mr. Crowley mentioned a location on the North part of the property as a possible alternate location. The information was sent to Verizon Engineers as well as the site development team and it was closer to residents and would have caused an impact to the wetlands to the NW and would have been an inferior access because the proposed site co-located with an existing right of way. After working with that criteria, Mr. Volpe spoke with Mr. Crowley about the current location, and he was now in support.

Ms. Lasley said the landscape detail and the fact that timber would be harvested, she was not sure by the Ariel photos if there was much timber between the tower and road and she was for landscape around the bottom of the fence being part of the package. She stated Hwy 12 was a Gadsden County corridor road and had special protection as far as landscape and was a road the County wanted to maintain as an entrance way into Quincy and Gadsden County. She objected to the fact that there were 2 variations stated but it actually affected 35 properties and to her, saying 2 was misleading. She said Rural Residential homes were affected. She also asked who would pay the property tax on the property the tower was on.

Mr. Shine answered any taxes, as a result of the location of the cell tower, on the property would be paid by the applicant.

Ms. Lasley asked Mr. Shine the purpose of the generator and why it would run once a day and asked for how long.

Mr. Shine said it would run every day for maintenance to keep the seals in the engine lubricated and the purpose of the generator was in case of emergency, it would keep the power on for a period of time to the Verizon equipment and EMS could be contacted in

an emergency. He further stated it would run for 15-20 minutes and the muffler system was below the local standards for exhaust and noise ordinance. He also said each co-locator would install their own generator and there was a battery backup as well.

Ms. Lasley asked if on 87 acres, it had to be put in a place that 35 parcels required a variance. She thought there needed to be a plan for a longer access road and put the towers someplace that could comply with the codes that did not affect homes. She said there was no reason Rural Residential homes had to look out at a red light on their horizon. She thought it was an Industrial application in Residential area and she was concerned about people's property value.

Ms. Bouie said her concerns were about the citizen's issues that were raised about the environmental effect and asked why not pick a site that did not require deviations.

Mr. Volpe said there were no sites in the area that met the setback requirement standards. Setback standards were ½ mile from a property with a future land use of rural residential and the other was 7 times the tower height from any property with a homesteaded residence. He said he had sited towers in dozens of counties across Florida and no other jurisdiction had setbacks this erroneous. He said based on those setbacks, they overlap from all directions and there was no location nearby for a tower without deviation. He further stated the towers had to be a certain distance from other towers to connect the entire network to work properly and there were criteria in the code of what was to be considered for that deviation. He said locating a tower somewhere to meet the standards was not possible.

Ms. Bouie said based on citizens response it led her to believe that the applicant could use the same property and still satisfy citizens' concerns. She said she was not asking the applicant to cancel the proposal but if the citizens could be satisfied with the applicant using this property and a different location on this property, that would be good.

Mr. Volpe said the alternate location proposed by Mr. Crowley would have had more deviations and was closer to many of the 35 homes on the NE. Mr. Crowley agreed the proposed site was the superior site over his alternate site. He stated the Western half of the property was in the wetlands.

Mr. Diekman asked the distance from tower to adjacent power lines that ran through the property, he asked if the 257 ft was from the lines. He said he drove to the site and there was poor reception in that area.

Chair Henderson read a citizen's email from Mark Nicholson and then asked if anyone on the phone had any questions or comments.

Mark Nicholson, 18302 Russet Green Drive, Houston TX. was sworn in by Deputy Clerk Bruner. He stated he did not know about a generator and one would not be bad but 4-5 would be a bit annoying. He stated he wanted to build a house one day and this was a huge deterrent. He was concerned with an increase in traffic and people taking the gate and fence out and he would have to fix it at his own expense.

Mr. Diekman asked Mr. Nicholson if it was an easement and whose property it was on.

Mr. Nicholson said it was Ann Nicholson's property.
Mr. Diekman stated the gate he was talking about, where people were accessing that he had to fix, if that was Mr. Nicholson's responsibility or if it was Ms. Ann's.
Mr. Nicholson answered it was not his but he was the one who fixed it when it was down.
Mr. Diekman asked if it was a shared easement.
Mr. Nicholson answered they shared and said he had a key to the gate but did not know if it legally was shared.
Mr. Diekman told Mr. Nicholson that looking at the map, he could put in his own gate.
Mr. Nicholson said the property was not open and was planted pines so there was no access in the woods without going through and cutting trees and building a road and he stated it was common courtesy to fix it for his aunt.
Mr. Diekman told Mr. Nicholson that his Aunt was going to benefit from this and Mr. Nicholson said correct.
Mr. Diekman said cell phone coverage was terrible out there. He told Mr. Nicholson he was in Texas, but in Gadsden County, when we call 911, and now because kids were going to school from home and trying to get computers to work, it was hard.
Mr. Nicholson said it was a security issue that people could drive in and could access private property.
Mr. Diekman said if it was a problem, put gates up between Ann's property and your property, and said it was not a County decision.

Charles Roberts said his experience was one generator per tower and the antenna would feed into the base and all be on one generator.

Chair Henderson said Option 1 was the recommendation from staff.

MR. DIEKMAN MADE A MOTION TO APPROVE OPTION 1 WITH THE SEVERAL CONDITIONS LISTED WITH A SECOND BY MR. ROBERTS. THE BOARD VOTED 6-1 BY ROLL CALL VOTE TO APPROVE. MS. LASLEY OPPOSED.

LIBBY HENDERSON	YES
WILLIAM CHUKES	YES
LORIE BOUIE	YES
CHARLES ROBERTS	YES
JEFF DIEKMAN	YES
MARION LASLEY	NO
STEVE SCOTT	YES

Motion Passed 6-1

7. Director's/Planner Comments

Mr. Diekman said he went to sites to know what was being dealt with and the signs going up to notify the residents were 2x2 and asked if they could be bigger.
Ms. Jeglie said they could look at ordering bigger signs
Mr. Diekman said small ones were good, but suggested to put a lot of them up and not to be hid in the weeds.

Ms. Steele said she could work with Ms. Jeglie to do 48x48 signs on the larger properties and the cost would go to the applicant.

Ms. Jeglie said she could look at larger and more signs and she would handle that.

Mr. Diekman said in going to the site there were 35 properties affected and a small sign. He thought the County needed to do a better job advertising and letting people know. He questioned if all citizens were notified.

Ms. Jeglie said notices would be sent to property owners 1000 ft outside of property line, and stated they could do better.

Ms. Steele stated a new person was starting and said to share concerns with her.

Ms. Jeglie said Sept 24th a new director (Diane Quigley) would be starting and was confirmed August 4th and she would be at the next meeting.

8. Adjournment of Meeting

AT 7:40 P.M. MR. DIEKMAN MADE A MOTION TO ADJOURN WITH A SECOND BY MS. BOUIE.

The Next Regularly Scheduled Meeting would be September 24th, 2020 at 6:00 P.M.

GADSDEN COUNTY, FLORIDA

LIBBY HENDERSON, Chair

ATTEST:

NICHOLAS THOMAS, Clerk