



**Minutes
Zoning Board of Appeals Meeting
City Council Chambers, City Hall
100 East Carolina Avenue
Thursday, June 24, 2020 5:30p.m.**

PURSUANT TO FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON JUNE 9, 2019 AND DULY POSTED IN CITY HALL.

Members present: Chairman Tommy Goodson, Vice-Chairman Brian Meadows, and Kirk Askins. **Absent:** Thomasena Davis and Luann Jeffords Post **Guest:** Kevin Hogsed, Daniel Moore and Amanda Taylor. **Staff:** Brenda Kelley, Shannon Munoz and Karine Thomas. **Press:** Absent.

Call to Order/Welcome

Chairman Tommy Goodson called the meeting to order at 5:38pm. Staff Brenda Kelley welcomed and introduced City Manager Daniel Moore.

Approval of Minutes

Chairman Goodson presented the December 16, 2019 minutes for approval. Kirk Askins made a motion to approve the minutes as submitted; Second Meadows; Carried: All in favor.

Oath of Office

Goodson, Meadows and Askins took the Oath of Office.

Election of Officers

Chairman Goodson announced that he was considering resigning next year and was not interested in being nominated as Chairman. Chairman Goodson called for nominations for Chairman. Askins then nominated Brian Meadows for Chairman; Second Goodson. Carried: All in favor. Chairman Goodson then called for nominations for Vice Chairman. Meadows nominated Kirk Askins for Vice Chairman. Second Goodson. Carried. All in favor. The newly elected Chairman and Vice Chairman will take their positions at the next Zoning Board of Appeals Meeting.

Appeal Z – 2020 – 01: Request by Kevin Hogsed, on behalf of AT&T for a Special Exception to allow a small cell tower in the Underground Facilities District at 432 Hartsville Crossing Boulevard and 904 South Fourth Street.

Chairman Goodson swore in Kevin Hogsed and Amanda Taylor both representatives of AT&T.

Hogsed: Thanked Staff Brenda Kelley and Shannon Munoz for working with him. He apologized to Mrs. Munoz. She rejected the application in the beginning and rightfully so because it was in the Underground

District. He explained how it came about so the board does not think that he came in and just did as he wanted to do. It is not what happened. AT&T applies for a single permit in most places. They have several hundred in North Carolina, not quite as many in South Carolina. When they apply for a permit with the Department of Transportation and they approve it, that is the only permit needed. If it is a city street, and the city approves it that is the only permit. In this case, they applied with SCDOT and received approval. He gave it to the construction crew. Right about the same time, he received a letter from Mrs. Munoz stating that she could not provide a 911 address because AT&T needed to apply for a permit. They applied for a permit. She denied it. The construction crew had already placed the pole. Mr. Hogsed did not know that. He immediately tried to schedule a meeting. It explained that it was not AT&T trying to go over Mrs. Munoz's authority. It was simply an oversight. Typically one permit was all they need. They had the permit. He apologized for allowing that to happen.

Mr. Hogsed said he was there to plead his case. While the City of Hartsville does not want anything above ground in the Underground District, these cell towers are not the traditional poles that hold aerial wires. Lines are not stringing from the poles to the street in the Underground District. AT&T's small cells are stand-alone concealment poles that feeds out wirelessly. Purpose of the small cell is to pull the signal off the big towers, the 600-foot towers around the county. Those towers are meant to cover large spaces up to three (3) linear miles in any direction. They are very broad. When you have little pockets like downtown and on Fourth Street where many of the businesses are, the little pockets tend to use more of the bandwidth. It robs the ability of some of the people on the outskirts of town from being able to use it. They placed the small cells to pull the bandwidth in smaller areas. It frees up the bandwidth for the big towers. It can be used to serve the less densely populated areas. The small cell helps with densifying the signal in the small area. It also will allow 5G. It allows First Net, which is a program AT&T introduced that allows the first responders to have priority use of the signals. In the event of a disaster, it allows persons with the First Net sim card priority over someone who does not. It is one of the reasons AT&T wants to put the small cells in town.

Lastly, he said the reason they chose to two locations for the Special Exception first was that they had limited money to spend. AT&T's engineers did a heat map study and determined that the Fourth Street corridor was a hot spot. The people there were using more bandwidth than the big macro tower could handle.

Goodson: You mentioned two small cells. Any idea where this is headed?

Hogsed: We have five (5) total in Hartsville right now. Fortunately three (3) of them were not in the Underground District. Two (2) of them were in the SCDOT right-of-way.

Goodson: Somewhere in the application, I saw the height of the small cell.

Hogsed: One of the comments in the City of Hartsville Ordinance is to use an existing structure of the height of the existing structure is not changed more than three (3) feet. No existing structures exists in that district. The only thing available to use in the underground district is the power poles. The poles would have to be changed out which would cause a mismatch in the poles. Duke Energy would not allow AT&T to use the existing poles. There was no other choice in the right-of-way other than the two poles that were submitted.

Goodson: Any objections to the proposal?

Kelley: No objections. We sent letters to all the property owners within a 300-foot radius of the poles. We received some phone calls. Once they looked at them, they were ok. They had driven by the poles on several occasions and not realized they existed.

Hogsed: This is going to come up more. Other providers will eventually need a small cell in Hartsville. You may want to look at some alternatives.

Goodson: As far as you know, are there any adverse effects on a person's health?

Hogsed: As far as I know, there is no danger. On the pole itself, by law, a placard is placed on the pole that says the distance from the antenna that you can be safe in most cases is three (3) feet. If you are any closer, you have to call the power company.

Goodson: Will the proposal be in conflict with the Comprehensive Plan.?

Kelley: When the City adopted the small cell, it was adopted because we knew it was coming down the pike. We do not have something specific in the Comprehensive Plan about small cells. No detrimental effect.

Taylor: Kevin did a great job. We are aware of your need to be aesthetically pleasing in your underground district. We will do everything we can to work with you on that. Please let me know if you have any further questions about protecting health and safety.

Askins: You mentioned you were placing small cells on East Carolina Avenue. I am interested in that area.

Hogsed: We have not started that phase.

After consideration of the evidence and Mr. Hogsed's comments, Chairman Goodson presented the motion to approve the special exception as requested. Brian Meadows seconded. The motion carried unanimously by a vote of 3-0 (Jeffords Post and Thomas absent).

Chairman Goodson presented the findings and the board's conclusions noting the following:

1. The proposed use would not have an adverse effect on the health or safety or persons residing or working in the neighborhood of the proposed use.
2. The proposed use would not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
3. The proposed use does not conflict with the City of Hartsville Comprehensive Plan.

Adjournment

There being no further business, the meeting was adjourned at 6:02p.m.

Signature