

Lamar County Board of Commissioners
Public Hearing
July 21st, 2020
6:00 P.M.

Chairman Glass called the Public Hearing meeting to order at approximately 6:00 p.m.

Rezoning application 2020-02 by Middle East Contracting Co., LLC (Rezoning from Agricultural-Residential to Residential-4 and Minor Subdivision on Grove Street)

Chairman Glass stated that the Rezoning application 2020-02 by Middle East Contracting Co., LLC (Rezoning from Agricultural-Residential to Residential-4 and Minor Subdivision on Grove Street) had been withdrawn from the Public Hearing and that they would not be taking any action on this item.

Special Exception Application #2020-02 by New Cingular Wireless, PCS (AT&T)

Chairman Glass stated that they would begin the Public Hearing with the Special Exception Application #2020-02 by New Cingular Wireless, PCS (AT&T) stated that in June this application was tabled due to a medical issue with the applicant's hearing aids and the adjoining property owners were tasked to bring back more information to the Board of Appeals. The changes were presented to the Board of Appeals and they recommended denial with the understanding that the Lamar County Board of Commissioners are not bound by their decision.

Connie Knight-Beers with AT&T addressed the board. She said that she was made of aware of the original concerns that Mr. Van Strickland and Mrs. Cheryl Strickland had brought to the table and said that she also received a letter from the hearing aid company that also addressed their concerns and the interference that could happen with the hearing aid. She said that upon reviewing the letter they reached out to the signee of the letter and they were unable to get through to him. She said that every time she called; she reached a fax machine. Ms. Knight-Beers said that she reached out to Planning and Community Director Buice and asked her to reach out to the Strickland's' for additional information such as how far is it reasonable to be away from your home so that you don't have interference from the cell tower. They received a second letter that said the same thing; there could be a disturbance caused by higher power lines and it that it could cause buzzing and ringing in the ear. It was recommended that Mrs. Strickland could not be near this device. She said that the second letter stated the same thing and that it is not a common issue. Ms. Knight-Beers however said that it is a concern to Mrs. Strickland due to the type of hearing aid that she has and her past audiological history. Ms. Knight-Beers said that even though it is difficult to determine the exact distance that the power lines should be, the distance of 1500 feet or more should be adequate.

Ms. Knight-Beers said that she went back to the RF engineer and it was re-iterated that when they put these cell towers up, they did not have power lines. She said that they do not have any type of power lines running from these cell towers, anywhere. She said that they have a power cable that runs under the ground into the compound right into the meter. She

said they do not have any exposed power and the only power that runs into the tower is 200 amps. She said that she has a letter that states this. Ms. Knight-Beers said that she reached out to a company called Site Safe and she said that they are known to work with AT&T and other larger carriers to provide them the information that they need. She said that she also has a letter from Site Safe along with his contact information. Ms. Knight-Beers presented the letters to the board. Ms. Knight-Beers also provided maps to the board and stated that the cell tower is about 500 feet from the adjoining property owners home, and they are an additional 220 feet in the air. She said that being further about the ground provides added protection. Ms. Knight-Beers said that the map shows that the homeowners already have a powerline that runs in front of their home. Ms. Knight-Beers clarified that everything is under the ground and there are no power lines associated with this cell tower. She said that all of the cables will also go under the ground. Ms. Knight-Beers stated that there should be no interference for Ms. Strickland who is living near this cell tower unless she climbed up on top and stood by the antenna. She said if you are on a rooftop and stand by an antenna you are putting yourself at risk. Ms. Knight-Beers said that the risk is out there, and everyone knows the risk. She said that there are more risks than holding onto a cell phone next to your head than from being near a cell tower because you are putting the frequency right into your ear. Ms. Knight-Beers said that she understands her issue, but they do not feel that the Strickland's have brought anything adequate enough to prove that the cell tower will create any problems for Ms. Strickland. Ms. Knight-Beers said that a letter was also brought to the board from the engineers and they said that it should not be a problem. Ms. Knight-Beers said that she understands fear and anxiety in some people when they don't know what to expect but said that it is clearly written that they wouldn't provide a service that is not going to protect the people. Ms. Knight-Beers said that AT&T bought this RF frequency and no can enter their space and they in turn cannot invade another service RF frequency providers space. Ms. Knight-Beers provided a list to the board of things that can cause problems to hearing aids. Ms. Knight-Beers said that the cell tower is within the safety guidelines. Ms. Knight-Beers said that something as simple as walking into a mall with wi-fi could affect Ms. Strickland. Ms. Knight said that they have done their due diligence to provide the correct service within the guidelines of the County's Ordinance and they have provided enough information to the Strickland's to determine that the cell tower is safe. Ms. Knight-Beers said that they have never had issues of this nature before and said that she has been in this business for twenty years.

Commissioner Heiney inquired about why it was denied. Planning and Community Development Director Buice stated that she was not there when they made the decision, but Ms. Knight-Beers stated that she thought they were concerned for Ms. Strickland's safety and quality of life. Ms. Knight-Beers said that Ms. Strickland may have fears that it will affect her quality of life but said that once the cell tower goes up, she will quickly realize that she has nothing to fear. Ms. Knight-Beers said that this may be a component for the denial. Ms. Knight-Beers stated that there are people in the audience that support the tower because they do not have service. She said that with everything that is going on in the world today where students cannot go to school because they need wireless internet there is a big demand to get these cell towers up and operating. Ms. Knight-Beers said that AT&T is a strong company and they do everything that they can to protect their customers

and the people around the cell tower. She said that AT&T has worked hard to make them safer and safer and she said it is a constant struggle for the engineers.

Mr. Van Strickland addressed the board and stated that his wife has stainless steel wires in both ears. She said that they did bring a letter from her audiologist and he stated that he has seen problems with the frequencies that the cell power emits. He said that Ms. Strickland can get within a quarter of a mile of one going down the highway and it affects her. He said it is not the powerlines but the frequencies. Mr. Strickland said that she has ringing and buzzing in her ears. He said that she cannot put a phone up to her ear and she has to use text. He said that they have lived on this property for 25 years and this cell tower is going to be about 500 feet from their kitchen door. He said that every time she walks out the door, she is going to be subject to it. Mr. Strickland said that it is going to affect her quality of life. Mr. Strickland requested that the board search their hearts and think about what if was their loved one. He said that he understands the need for the cell tower, but he also understands her quality of life. He said that he also does not want to look at the cell tower but that is not the point, it is her quality of life.

Vice-Chair Thrash asked Mr. Strickland if they have a microwave at their house and if she had problems with that. Mr. Strickland said that she does. Commissioner Thrash stated that she learned from a representative from AT&T that the radio frequency of the microwave is about the same as the cell tower frequency. Mr. Strickland said that the audiologist said that he has seen this problem before with people with hearing aids. Commissioner Traylor asked if the audiologist had a solution. Mr. Strickland said that his solution was to stay away from cell towers.

Ms. Strickland addressed the board and said that she has a lot of pain when she gets around a lot of frequency whether it is under the ground or above the ground.

Rezoning application 2020-02 by Middle East Contracting Co., LLC (Rezoning from Agricultural-Residential to Residential-4 and Minor Subdivision on Grove Street)

Mr. Tyrone Ward of 548 Grove Street addressed the board and stated that he was speaking on behalf of residents in this area on Grove Street. He said that he has about 50 signatures against it and they are very concerned. He said that people will not feel safe in this area if the duplexes are built. He said that people are concerned about the traffic on the street. He said that people in the duplexes that are there now are constantly moving in and out and they are concerned because this area was zoned Agricultural Residential (A-R). He said people that are retired live in this area.

Mr. Larry Mincey said that he would like for it to stay Agricultural Residential (A-R) because they need the space, freedom, and relaxation.

Mr. Tyler Mitchell and his wife of 521 Grove Street said that he has been living on Grove Street for about 12 years and they like the tranquility of it in this area. He said that they do not want all of that traffic out there in his area. He said that they worry about all of the families coming out there with a lot of kids and he sees that it is going to be a problem.

Mr. John Briley of 546 Grove Street said that he lives next to Mr. Mitchell. He said that he has a lake in the back of his house and said that the springs that feed off that lake on his property are an area of concern. He said that he is worried about septic tanks. He said that the lake flows into Little Towaliga Creek.

Mr. William Lamonte of 571 Grove Street addressed the board and stated that he had been there since 2008 and the duplexes down the road change owners quite frequently and it is an issue for the street. He said that the owners do not keep up the place and it is not a pretty sight to drive by. He said that the tornados left destruction and even though most everyone cleaned up their property it is still not a pretty sight. He said that on the other end of Grove Street there is a lot of traffic and said that they do not need any more traffic. He said that this duplex is for a lower-income and is worried that it will bring down the value of his property.

Mr. Chad Taylor of 590 Grove Street said that he had lived on Grove Street for 16 years. He likes peace and quiet with the crickets, frogs, and the deer. He said that every year or two they get a lot of changes on Grove Street and about every five years he gets broken into. He said the police tell him that it is because of the traffic down the road. He said that he is afraid that if the duplexes are built then it will increase the traffic and he will not know any of them and then he will end up having more issues at his house. He said that he gets calls from his neighbor asking if anyone is coming on his property. He said that his neighbor has people fishing on his lake without permission. He said that these people do not have any respect for their lifestyle or their property. He said that he loves to watch the deer in his backyard, and he is against the duplexes being built down the street from him.

Rezoning Application 2020-03 by LM Home Builders (Re-zoning from Agricultural-Residential to Residential-2 for a Minor Subdivision on 1368 Hwy 18 West)

Planning and Community Development Director Buice addressed the board about the Rezoning Application 2020-03 by LM Home Builders (Re-zoning from Agricultural-Residential to Residential-2 for a Minor Subdivision on 1368 Hwy 18 West) is for 5 homes on 2 acre lots. She said that there is one home that is being extensively remodeled and 4 new homes will be built. Lots 1 and 2 will share a driveway and lots 4 and 5 will share a driveway. Lot 3 will have its own driveway. Planning and Community Development Director Buice said that the Georgia Department of Transportation (GDOT) has approved for the driveways. Planning and Community Development Director Buice said that the property is heavily wooded, and the plan is to keep as many trees as possible. She said that there is a natural buffer between the road and the property. Planning and Community Development Director Buice said that a preliminary soil study had been completed and all of the homes will have a private septic system and a well. She said that the homes will sit back from the road and Lot 1 is the closest house to the road. Planning and Community Development Director Buice explained that the houses will be 1600 to 1900 square feet with a bonus room over the garage. The sale prices will be around \$200,000.00. The Planning and Zoning board recommended approval.

Commissioner Traylor asked about the original driveway and if it would remain. Planning and Community Development Director Buice replied that the existing driveway will go away. She said that there will be shared driveways for lots 1 and 2 and lots 4 and 5 will share a driveway. Lot 3 will have its own driveway. Vice-Chair Thrash asked if each property owner will have egress rights to the driveway and wondered if that would become an issue. Planning and Community Development Director Buice said that most of the driveways past Cannafax Road are shared driveways and it has been like this for the last 20 years.

Rezoning Application 2020-04 by Fox Crossing, LLC (Phase III of a Major Subdivision; Agricultural-Residential to Residential-2; variance of setbacks)

Planning and Community Development Director Buice addressed the board about the Rezoning Application 2020-04 by Fox Crossing, LLC (Phase III of a Major Subdivision; Agricultural-Residential to Residential-2; variance of setbacks). Planning and Community Development Director Buice said that in the mid-2000's Fox Crossing, LLC was presented as a preliminary plat for the entire area. She said that there was Phase I and II and then Phase III was not able to be built out, even though it was approved, because the market dropped. Planning and Community Development Director Buice said that it has been sitting in limbo for over ten years now. She said that the new owners have updated the preliminary plat according to Lamar County's new standards. Planning and Community Development Director Buice said that the new subdivision ordinance was re-written in 2010. It is proposed to have 105 lots and 6 new roads. She said that a variance is requested to have a 70-foot centerline setback as opposed to the 85-foot setback, which is comparable to the setbacks in Phase II. Planning and Community Development Director Buice stated that the lots will have private septic tanks and water. She said that it has an undeveloped community area, that will stay green, with a creek running through it. She said that it will also have a walking trail and the only issue is from a neighbor that has a drainage problem.

Vice-Chair Thrash stated that she was aware of the drainage issue and wanted to be sure that this will be taken care of.

John Palmer of Falcon Engineering addressed the board and stated that he appreciated working with the Planning and Community Development staff. He said that he was aware of the drainage issue which is why they left the new green space in place. He said that they will also make sure that there is no access for stormwater to will leave the site. He said that they have adequate buffers. He said that on the front setback they are trying to match what is there now since it is all one development to make it as seamless as possible.

Commissioner Traylor asked if there would be streetlights or centralized mailboxes. He asked if they would have a Homeowners Association (HOA). Mr. Palmer stated that they are going to match what is currently in place. He said that they would build a centralized mailbox because the United States Postal Service (USPS) requires that with any new development. He said that as far as an HOA the desire would be to have covenant restrictions to make sure that the houses are built according to a higher standard. Mr. Palmer said that the HOA would be in place and there is not one in Phase I and II, but he

would like to have this opportunity. He said as far as streetlights are concerned there are not any out there now and it is about matching the existing size of the development.

Vice-Chair Thrash asked if the restrictions would be recorded in the deeds so that if there is a change it will follow the next property owner. Mr. Palmer said that when they record the final plat that is when they record the deeds and the restrictions, and it goes with every lot and the subsequent lot owner.

Commissioner Traylor said that currently the County does not pay for streetlights. Mr. Palmer said that he had not heard of any questions or concerns about streetlights. Commissioner Traylor stated that power companies are making arrangements with residents to install streetlights.

Mr. Doug Adams, the owner of the Fox Crossing subdivision stated that power companies are arranging with the residents to install streetlights and have it added to an HOA if one exists. He said that there was one originally, but it was administratively dissolved by the residents. He said that the HOA is only as good as the residents agree to it and at some point, you have to turn it over to the residents. Mr. Palmer said that streetlights are purchased and maintained differently in all counties. He said that some counties put it on the tax digest.

Chairman Glass asked about the size of the acreage. Mr. Palmer said that the smallest lot is one acre and said that the plan is similar to the original design. He said that it has been updated based on the new code and the lots are now square and radial. He said that the new Ordinance is better than the old one.

Jan Townley of 111 Bridle Path, Griffin, Georgia (Lamar County) addressed the board regarding her drainage issue. She said that it is great to see the new development. She said that there are a lot of drainage issues where the water is not draining through the culvert. Ms. Townley said that she has called the County about five times and said that she is afraid that her house will flood because the ditch looks like a river. She said that the water flows over onto her property. She said that the County has come out a couple of times, but they tell her that there is nothing that they can do because the culvert is working.

Ms. Townley said that she does not have a streetlight and she likes it like that even though it is not very safe. She said that her neighbor next door to her has to pay for a streetlight and Ms. Townley said that this is not fair. She said that if an HOA is created then streetlights should be mandatory.

Planning and Community Development Director Buice stated that she had not visited Bridle Path but said that they would look at her issue. She said that all of the lots are accepted by the County and said that if it is an issue with the culvert being clogged, they could take care of it. Ms. Townley said that it is not clogged.

Vice-Chair Thrash stated that this is something that the County looked into and said that the water has a natural flow. She said that without redesigning the Phase I of the subdivision

and how it was done, she is not sure that anything could be done because it would involve going on private property. Ms. Townley said that all they need is a ditch with stone in it to have the water flowing into the culvert instead of the ditch next to her house before it becomes a pool. Vice-Chair Thrash said that they had done that in some other subdivisions and said that what you are doing is redirecting the problem most of the time.

Planning and Community Development Director Buice stated that in this same area there are houses that have not been built so before they build any more new houses, she will get with Public Works Director Rigdon to see if anything can be done about the drainage issue.

Adjournment

Commissioner Horton made a motion to adjourn the Public Hearing at approximately 6:45 p.m. and Commissioner Traylor seconded the motion. The motion passed unanimously.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

Charles Glass, Chairman

Nancy Thrash, Vice-Chair

Bennie Horton, Commissioner

Robert Heiney, Commissioner

Ryran Traylor, Commissioner

Attest: _____ Carlette Davidson, County Clerk