

SPALDING COUNTY BOARD OF COMMISSIONERS
Zoning Public Hearing
Thursday, February 24, 2011

The Spalding County Board of Commissioner held its regular monthly meeting on February 24, 2011 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Eddie Freeman, Chairman, presiding; Gwen Flowers-Taylor; Bob Gilreath and Raymond Ray. Chipper Gardner was not present.

Also present were: Virginia Beams, Deputy County Manager; Charles Taylor, Community Development Director; Newton Galloway, Attorney and Yvonne Langford to record the minutes.

Mr. Freeman called the meeting to order and invited those present wanting to address the Board of Commissioners regarding any matter to sign in on the appropriate form.

Application #10-02Z: Helen Rowe, Owner – 4251 Fayetteville Road (3.996 acres located in Land Lot 111 of the 4th Land District) – requesting a rezoning from R-2, Single Family Residential and AR-1, Agricultural and Residential, to AR-1, Agricultural and Residential.

Mr. Taylor said Ms. Rowe is requesting rezoning of the property on the Fayetteville Highway to be able to keep horses on the property. Last year Ms. Rowe requested an amendment to the Future Land Use Map for the area to identify the property as agricultural. This application agrees with the rezoning of the Future Land Use Map. The staff recommendation is for conditional approval. The conditions are:

1. The livestock be limited to equine.
2. The keeping of livestock shall be limited to the rear yard of the property.

Helen Rowe – 4251 Fayetteville Road

Ms. Rowe said she has lived on this property for six years. The horses have been there for almost five years. When she purchased the property she advised the real estate agent what they were planning. She assumed they were purchasing property where she was allowed to keep horses. She recently found out she was not allowed to keep the horses at this location. She was allowed to keep the horses until she could get through the application to make the necessary changes to be able to keep the horses on her land. She received a tax bill and then a few months later received another tax bill. She contacted the county to determine why she had received an additional tax bill. They advised her that it was to revalue the property to include the barn. She advised them that the barn was twenty-five or thirty years old. They advised her that they had missed the barn. The horses are at the rear of the property and that is where they are going to remain. Someone said there was a letter regarding an odor. Her pasture does not have an odor. At one time someone else had livestock to the left of her and she does not know whether or not they are referring to that property. That livestock is now gone. Her horses are well cared for. They are watered, they have food, hay is brought in and they have special diets. They are healthy. She requested that the zoning be approved.

Mr. Gilreath said he has driven by this property a couple of times and it is exactly as she has stated. It is very clean.

Wayne Eason – 4250 Fayetteville Road

Mr. Eason said he lives directly across the street from this property. He lived there before they move there. He has never smelled anything. The horses do not cause any trouble. There were animals there before they moved in. It makes good sense to approve this rezoning.

Brittany Faust – 4251 Fayetteville Road

Ms. Faust said she is pleading that this land be rezoned. It has been six months since she received notice that her land was not zoned agricultural and the animals would have to be removed from the property within a certain time frame. She has rescue horses and a rescue goat and they have been on the property since the time she moved into the house. An anonymous letter was sent regarding her horses and her goat. The author of the anonymous letter has never shown up at any of the meetings to voice or validate their position. On receiving the letter she contacted her former neighbor and she said the county would sue her and make her tear down the fence that was put up in the front yard. That is not true. She can put up a fence. At the last meeting she found out that anyone has a right to put up fencing on their property. The reason the owner of the property next to her was there was she did not want a fence going up around the property. The reason for the fencing is because people use their property for a turn around and to venture over to their neighbor's property to look at items for sale such as cars and tractors. The fencing that is going up will be decorative. It will not be barbed wire. It will be an attractive wood fence that will add beauty to the property, value to the home and stop the unwanted traffic that tears up their lawn. There was also a letter sent regarding odor. She uses fly eliminators to keep the fly population controlled. She uses biodegradable yard deodorizers to eliminate odors from both urine and manure. She was advised by the owner of the neighboring property that he never found the odors to be a problem. He also advised that the gentleman who owns 38 acres would use turkey droppings to fertilize the land that was being leased and that was the only time he every noticed an odor. She feels that was the cause of the letter regarding an odor, not her horses or goat. She is a former nurse and still does volunteer nursing and would like to continue helping her horses who deserve good health. She requested the land be rezoned so she will be allowed to keep her kids. The house in the area, behind her home, has a barn and enclosed pastures that has existed over twenty years. The only new addition was the portion of the pasture that was enclosed by her neighbor so that she could have an extra pasture area. She has no intentions of building any structures in the front of her property or on the land between her home and her only adjacent neighbor. She was advised that her fence needed to be decorative. She fully supports that. She also defended the gentleman who owns the adjacent property as he has barbed wire fencing and asks that he not be penalized and made to update his fence. He supports anyone that has existing fencing be grandfathered so that they are not burdened with the monetary cost of updating existing fencing. She also supports new front and side yard fencing visible to neighbors to be of a decorative nature. This is a very good precedent and would improve everyone's home value plus add a very good visual for those that reside in the county or are considering moving into the community. She requested no restrictions be placed on agricultural land. To state that livestock must be housed in the back yard is not an issue. To place another restriction might hinder the sale of her land in the future as it may be considered discriminatory and void the sale of her home. There are laws in place already stating what type creature can be on agricultural land, distance from existing homes, etc. It is already a written law and speaks for itself. She requested approval of the application. Georgia is overwhelmed with horses that are starving, abused and neglected. Her land not being agricultural will add two more to the list. Her twenty-four year old mare suffers and her diet must be watched carefully. No one will want her and she will have to be put down. Life is short, you live, you die and make the best of what is in between. She believes in doing the right thing. These creatures are gifts from

God and they are her sanctuary and her solace. They have given her and taught her lessons as much as she has taught them and she is very blessed.

Mr. Freeman said he is familiar with this place. It is in the district her represents. He voted in favor of the Future Land Use change and has no problem with the application.

MOTION

Mr. Gilreath made a motion to approve Application #10-02Z with the conditions the staff recommends. Mr. Ray seconded the motion.

Ms. Flowers-Taylor asked why the staff wanted her to keep the horses on the rear of the property.

Mr. Taylor said it was a compromise between the neighbors and the applicant due to the complaints they received. No one objected to the horses on the rear of the property. The applicant did not have a problem with the condition.

Ms. Flowers-Taylor said if you are that far out on Highway 92 and you have 3+ acres zoned agricultural which allows horses why would not allow her to have full use of the property? It is her concern if they are in her front yard. She understands the recommendation is to appease the neighbors but she has a right by her property being agricultural to be able to use her property however. That is an unfair stipulation. If there are neighbors that have a concern they are not present. To make the condition is going against what is usually done. Also, there is no requirement for ornamental fencing. If she is all right with the condition to not have the goat that does not bother her as much.

Mr. Taylor said the issue with the goat was that it kept getting out. That was the initial complaint they received. The horses in the back was a compromise with the neighbors. The owner of the adjacent property said she did not have a problem if the horses were in the back.

Ms. Flowers-Taylor respectfully requested their motion be rescinded.

Mr. Gilreath and Mr. Ray rescinded their motion.

MOTION

Mr. Gilreath made a motion to approve Application #10-02Z conditioned on equine only. The motion passed on a second by Ms. Flowers-Taylor with Mr. Freeman, Ms. Flowers-Taylor, Mr. Gilreath and Mr. Ray voting for the motion.

Application #11-01S: Teresa Marie Parker, Owner – Gail S. Arceneaux, Agent – 63 Ponderosa Road (2.06 acres located in Land Lot 167 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Taylor said this application is for a manufactured home on the property. In reviewing the application, the homes within a half-mile radius are trending toward site-built homes rather than manufactured homes and the application does not meet the criteria. The recommendation is for denial. The Board of Appeals recommends denial.

Ms. Flowers-Taylor said she reviewed the information regarding the homes in the area and the year they were constructed. She noticed there are several houses that were built in 1999 & 1997.

The total number built in the 90's appears to be approximately 5 to 7% of the entire list. The point is that the vast majority of the homes are over 50 years old. The next page lists the manufactured homes. She is uncertain what that information reveals.

Mr. Taylor said the information is furnished by the tax assessor's office. There is very little information available except the number. There are a lot of vacant lots in the area.

Ms. Flowers-Taylor said the value of the homes in the area is not real high.

Mr. Taylor said the value of the site-built homes is slightly higher than what is being proposed. The houses in the area are not well maintained. The recommendation is made knowing the number but also considered are the permits being issued in the area and where that trend is going. County-wide they are receiving more permits for site-built homes rather than manufactured homes. They are limited in their scope of review but the Commissioners have the option to use their discretion regarding what is happening in a broader the area. There are a lot of dilapidated houses and yards that are not being kept that could play into the decision.

Gail Arceneaux – 212 Crystal Court – Hampton, Georgia

Ms. Arceneaux said she originally paid \$60,000 for the manufactured home three years ago. She is moving the home in from South Hampton Mobile Home Park. On Ponderosa there are only eight stick-built homes on that road. The balance is manufactured homes. She had pictures of the adjacent properties to the site for which she is requesting the special exception. She submitted the current value of her manufactured home to be \$50,000. In the report it was noted that most of the homes in the area were valued at more than \$50,000. She researched and got comps of sales in the area. One was sold for \$30,000 and one sold for \$41,000 so obviously they are not all above \$50,000. Her home is a very nice home. She provided a picture of her home. She had pictures of homes in the area and called attention to the trash in the yard and the condition of the homes. It is not fair to condemn her putting in her home when there are other mobile homes all up and down the street on both sides. Hers would improve the looks of the properties there because it is a nice home. It would upgrade the area.

Teresa Taylor – 769 Wilds Landing – Springfield, Georgia

Ms. Taylor said she is trying to sell this lot because she has moved. This property was her grandfathers and she is trying to get away from it. She is selling it for about half price. If she does not sell it is going to just sit there. The value is \$24,000 and she is selling it for \$15,000. She lived at this location for 20 years. It is so messed up she does not see anyone building a house there. She can see a mobile home but not a house.

Discussion was held regarding the development in the area. Mr. Taylor said the most notable development is the Sun City Peachtree development. Mr. Taylor identified the location of the Sun City Development in relation to the location of Ponderosa.

Ms. Flowers-Taylor said most of the homes on Jordan Hill Road have been built within the last 15 years and there are no manufactured homes on Jordan Hill Road. Water lines have just been installed in that area. She is also familiar with Ponderosa. When you travel Ponderosa there are some homes that are not kept. There are some that are decently kept. The ordinance requires Mr. Taylor to provide the trend within a half-mile radius of the location of that piece of property. If the house was halfway down the road or at the cul-de-sac at the end of the road there would probably be a different report. If we do this we will be changing the trend because we will be allowing another manufactured home. She has not heard anything that indicates there is a

hardship. Usually, if we make a special exception that goes outside the ordinance, there is a special reason. We set rules and she does not see, in this instance, a need to vary the standard.

MOTION

Ms. Flowers-Taylor made a motion to deny Application #11-01S. The motion passed on a second by Mr. Gilreath with Ms. Flowers-Taylor, Mr. Gilreath and Mr. Ray voting for the motion and Mr. Freeman voting against.

Application #10-10S: B. Frank Harris, Jr., Owner – T-Mobile South, LLC, Agent – 1825 South Sixth Street Extension (27.6927 acres located in LL 170 of the 2nd Land District) – requesting a Special Exception to allow a telecommunication tower in the R-1 District.

Mr. Taylor identified the location of the proposed lease-site for the tower. The plan is that the tower will be located 300' inside the property. The proposed landscaping around the tower is Leland Cypress. The mono pine tower will be 135' with the limbing-down to be within 50' of the grade. The recommendation is for conditional approval. The condition to be that the proposed access driveway to the leased area should be such as to avoid the drip line of the pecan tree. The pecan tree allows screening of the tower and should be protected.

Mr. Gilreath asked for the distance of the tower from the nearest homes in the area. They are as follows:

1. House #1 is 483' from the tower
2. House #2 is 749' from the tower
3. House #3 is 644' from the tower (this is the Harris home)
4. House #4 is 678' from the tower (this is across the street)

The Appeals Board recommended denial on a 4 to 3 vote.

Marshall Melvin – 30 Mansell Court – Roswell, Georgia

Mr. Melvin said he works for Pat Marshall & Associates which is a site development consultant for T-Mobile. T-Mobile is a telecommunications service provider licensed by the FCC to operate a wireless telecommunications network. T-Mobile respectfully submits this application to Spalding County for a special exception permit to construct, maintain and manage a multiple-user wireless, mono-pine cellular on property owned by Mr. Frank Harris at 1825 South Sixth Street in Griffin. T-Mobile has entered into a lease agreement with Mr. Harris for an 80' x 80' leased area for the purposed of constructing this facility. As depicted on the site plan submitted to the Spalding County Community Development Department the facility will include a 135' mono-pine antenna support structure. Also included will be ground mounted communications equipment and associate minor site improvements to facilitate operations and maintenance and access to the facility. The site will be accessed from Maddox Road via a 20' wide ingress and egress utility easement. It will allow for the provision of safe, reliable, uninterrupted, wireless PCS coverage to the public in this portion of Spalding County were T-Mobile currently has no facilities and is thus not currently able to provide reliable PCS coverage. T-Mobile will construct and maintain the facility in compliance with all federal, state and local building codes and standards. The application and the accompanying documents support T-Mobile's request for a special exception permit and complies with all the requirements with the Spalding County Zoning Ordinance. Please note this site will be constructed to meet and exceed all standards imposed on telecommunication sites with respect to radio frequency emissions. In conclusion a wireless communication facility at the proposed location will benefit the public as it will provide wireless service to this area of Spalding County. The facility will reduce the proliferation of new

structures in the area by providing other carriers with the facility that meets the structural and coverage requirements. T-Mobile appreciates your consideration and respectfully requests of this application for a special exception permit.

Mr. Gilreath had requested information regarding the amount of traffic this tower would generate. Mr. Melvin said it usually takes three to four weeks, weather permitting, to build a facility. Once the tower is up and running one to two times a month a service tech visits the site to check the equipment. The frequency level is low regarding site visits once it is constructed.

Mr. Melvin displayed a picture of a 150' T-Mobile mono-pine tower that is located in Coweta County. The one displayed was taller than the one proposed for this site. The limbing on the Spalding County location will be 50' from the ground which is closer to the ground than the one displayed. He recapped the process regarding this application and the meetings with the Appeals Board and the citizens and the changes they have made in their plans due to the concerns of the citizens.

Mr. Taylor read a letter from Ms. Niki Turner a customer of T-Mobile that lives at 1238 County Line Road. The letter was regarding the need for extended coverage a tower at this location will provide.

Margaret Blue – 678 South Sixth Street Extension

Ms. Blue said her residence is ¼ mile from the proposed tower site. She and her family support the cell tower. She has no affiliation with T-Mobile nor is it her carrier. She did research on line regarding the health issues with cell towers. Med Page says cell phones use non-anodizing radio waves to communicate with the towers. That radiation can barely penetrate the skin. The most recent research has found no link between the cell phone use and cancer. Cell phone towers transmit in both radio waves and microwaves. These waves travel along lines of site to the next tower. It has no affect on anyone at the ground level. There is concern of many of the neighbors that live close regarding the look of the tower. Mr. Harris has put in trees. Not only does he have pecan trees but on the corner he has chosen to plant maples and oaks. He has gone beyond to make that beautiful. It is a park-like setting. The landscape design and the fencing is going to be cypress so it is going to be hidden in the back of the 20 something acres. He cares about his neighbors. He cares about those that go by his home. She has been in the area ten years. He has been in Griffin for over four generations and it shows. Last year she was an employee of the U. S. Census. She traveled four counties and spent many hours on the road. She knows what it is like to be in the dead areas. She has been in Orchard Hill and there is no signal when they are trying to respond to a 911 call. She has a GPS. They do not work off of cell towers. They work off of satellites. Two weeks ago they went to a function at Rock Springs Church. There are dead areas out there. For ten minutes they could not contact the car behind them. St. George Episcopal Church and Gordon College have dead areas. She would like for the commission to take into consideration not only the residents on 6th Street but also the 58,000 residents that live in the Griffin-Spalding County area. T-Mobile is going to build a tower but that tower has the capacity for more cell phones not just themselves.

B. Frank Harris, Jr. – 1881 South Sixth Street Extension

Mr. Harris said as a family he has been here for over 150 years and they have tried to be productive members of this community. He and his wife both are master tree farmers and they have a deep respect for the environment and the well-being of Spalding County. The present communications ordinance that is being enforced was drafted following the initiation of the federal telecommunications act of 1996 and he was serving on the board that submitted it to

Spalding County Commission. The federal act was intended to make cellular service accessible to more people by allowing more carriers to serve and thus provide more competition. Spalding County had only two carriers at that time. The A Carrier had little competition and rates were around .35 per minute. In this area Verizon is the strongest and predominate cellular carrier. The other three carriers, T-Mobil, AT&T and Sprint have spotty or marginal coverage and very little in-building coverage. The proposed tower would be a three-carrier mono-pole. He reviewed the proposal as it was originally made and the current proposal with the modifications. AT&T and Sprint would be the logical tenants for the additional antenna. This additional coverage should help reduce the number of 911 calls in this area that are mistakenly routed to Lamar County 911. The originally proposed tower configuration was a traditional three-antenna monopole with a galvanized metal base. There was opposition and T-Mobile made adjustments and is proposing a mono-pole structure to more closely resemble the tree line in which the tower will be located. The proposed change should satisfy the objections. The individuals that oppose this application have every right to do so. There has been a high-level of emotion involved with this opposition and that usually comes with these petitions. That is understandable. He hopes a decision will be made that will address the impaired coverage in this area both for personal use and for safety.

Linda Jordan – 108 Maplewood Drive

Ms. Jordan said she is speaking for not only herself but for many neighbors that have requested that she do this. She furnished pictures off of the internet regarding the tower. She furnished a copy of an article by the Associated Press written by Peter Swinton regarding new cell tower technology getting smaller. She quoted from the article regarding the world's largest cell phone trade show on February 14, 2011 in Barcelona, Spain. Technology was introduced to replace cell phone towers. The antenna is about the size and shape of a Rubik's Cube. Single cubes or clusters can be placed indoors and out and be easily hidden from view. Let's not kill our residential neighborhoods with an intrusive cell tower, a 135' cell tower on a 60 foot tree line. She addressed some of the issues. She did not feel they have proved the need for coverage. They were offered an alternate site at the salvage yard. She reviewed some of the people that have confirmed good coverage from T-Mobile in the area with in-building coverage. At one of the meetings at the First United Methodist Church, T-Mobile was asked to try their phones inside that masonry structure and they declined to do so. T-Mobile's existing coverage maps show there is good service in the area. She provided maps of their data coverage and voice coverage. She spoke with a salesman with T-Mobile and asked him about coverage in the area. He advised her there was excellent coverage except for when she is over her pond which would cause spotty coverage. She asked him about Runnymede, Southworth, South 6th Street, Maddox and Crescent and was advised they were all good. These maps shown at the meeting differ from their web site. Is T-Mobile doing false advertising? Is T-Mobile a good corporate citizen? T-Mobile does not have an office or employees here and does not pay taxes here. They have not been involved in this community. All they want to do is put up a cell tower and leave. All the residents here are good citizens. They have paid their taxes, given back to the community time, money and service. They have opened businesses here and generated jobs and tax revenue. They have served Griffin to make it a better place. What is T-Mobile's Goal? They want to put up a multi cell tower. They also have a desire to increase their home phone land base market. T-Mobile, in their financial report, discussed a need for T-Mobile to expand their network, not for existing customers, but for future growth. T-Mobile has a land based program telecommunications program that is aggressively moving into neighbors to bolster their cell customer base. It needs to upgrade technology and not destroy residential areas. T-Mobile has not shown a significant gap in service. T-Mobile calls, as they say, not as we experience, may not, at all times, be received indoors does not mean that T-Mobile has a significant gap in service as the term is

defined by the federal appellate courts including the 9th Circuit Court of Appeals. It is inherently the nature of wireless technology that building materials block signals and adding a tenant facility will not change that. Who verified what T-Mobil independent contractors are telling us? The County Commissioners should protect the residents and tax payers. Prior to allowing an application there should be independent evaluations hired by the county to ensure factual information. Our community goal is to help Griffin grow. We are developing a new industrial park which will hopefully stimulate corporate growth and in return stimulate residential growth. The Southside of Griffin growth has been an area where these subdivisions have been created with underground utilities, beautiful lampposts, and the beauty that can only increase. The property tax in this area is extremely good. Let's not put a knife in the middle of it. Residents are justifiably concerned about the cell towers reducing the value of their homes. Who would want to live right next to one? Imagine what it is like to purchase your dream home, follow covenants, follow zoning rules and kept the area beautiful. Officials have the power to regulate the place and appearance of cell towers. There are alternatives and less obtrusive locations. Her property has just been appraised. The Appraisal Institute is the largest global professional membership organization for appraisers with 91 chapters throughout the world. The Institute is about ready to issue a cell tower and fair market value of homes and educate its members that cell towers should, in fact, cause a decrease in home values. Percentage decreases mentioned the study range from 2 to 20% depending on the location distance from the tower. She took the tax property value in the area and it is \$30,000,000. All of us will be requesting a 2 to 20% tax reduction if you approve this cell tower. The group has already discussed a class action law suit to reduce property values as well. Who is responsible for property value decrease to pay for the drop in value? The Ninth Circuit Court of Appeals ruling gives some control and oversight back to local jurisdictions. If you allow this cell tower in a residential area this will only be the first. The Zoning Board has clearly recommended against the proposal. Protect the neighborhoods. T-Mobil does not have the interest of the neighborhoods at heart, we do. T-Mobile did not elect you, we did. Vote to deny the placement of this cell tower for the welfare of this community.

Kay Landham – 782 Maddox Road

Ms. Landham said she lives right next door to Mr. Harris. She located the tower in relation to her property and her house. She identified the area on her property where she likes to go to read and write which is right by the tower. She is a single mother and her son will be entering college this fall. This is some of the most beautiful property in Spalding County and she is very lucky to live there. She works three jobs to stay there. She loves this property and hates it is even being considered as a location for a cell tower. The picture they showed is deceptive because it does not show the tree line in relation to the height of the tower. They tried to get T-Mobil to locate the tower at the salvage yard on County Line Road and they advised it would not fulfill the "gray" coverage area. They said it had to be at the Harris site. If the gray area is on County Line Road how is the one on the Harris property going to help Ms. Turner who wrote the letter going to be helped? It appears there are a lot more things that are going to take place that they have not been informed about. They talked about a fence and nothing has been said about a fence. She hates to have to sit on her property and have a cell tower staring down at her. She is a resident of Spalding County and has been all her life. She plans to stay. Due to unfortunate circumstances she will have to sell her house. The plan was to put the house on the market in the summer of 2011 but she and her former husband decided last fall to put it on the market. When she contacted the real estate agent they called back the very next day with someone that wanted to see the house. Unfortunately when they found out about the cell tower they were no longer interested. She hopes the Commissioners will take into consideration the people in the area.

Lucian Tatum – 2237 A Honeybee Creek Road

Mr. Tatum said he understands the Commissioners have been furnished information that he compiled for their consideration and he will not address the things in that report. The tower will have a substantial adverse impact on the ability to develop the adjacent residential property. Both of the conditions are prohibited under the zoning ordinance under Section 413 Special Exceptions. Common sense and independent study show a decrease in property values and the tax base. This tower will violate the purposes and goals of the tower ordinance. The goals are: “Encourage the location of towers in non-residential areas. To encourage the users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact, if any, on Spalding County is minimal.” This also violates our Spalding County Comprehensive Plan one of the goals of which is to preserve the rural fabric of our community, maintain a natural environment and preserve Spalding County’s rural character. T-Mobile has not proved they have a significant gap in in-building coverage. A member of the Zoning Board of Appeals said the gap is minimal. What they want to do is improve their coverage so they can sell more services so people can stream TV shows and, download U-2 videos. He does not believe this is what the TCA act intended. They have not provided any data showing alternative technology such as a distributive antenna system would provide the coverage they want. The tower will benefit only one citizen and one corporation but will adversely affect hundreds of citizens. Only three people to date have spoken in support of this tower project. Mr. Tatum presented a petition signed by neighbors. He requested the application be denied.

Jan Rogers – 1801 Maple Drive

Ms. Rogers said she had sent an e-mail to the commissioners regarding this application. She, along with other citizens of Spalding County, spent over two-years on a comprehensive land use plan. She has done a lot of research on this aspect. They cannot prove the medical situation but due to health issues she has spent a lot of time in doctor’s offices and they told her to look up cell towers and medical. This is not a cell tower issue this is a zoning issue. There is a land use plan and unless there is an emergency we do not need these variances because we have plans and we want to upgrade this county and the quality of life. All of these things affect the value of property and the quality of life. They live approximately 2000 feet from this property and this week-end they were planting 600 pine trees but they can see this site and know how long it will take their little trees to grow. The Leland Cypress that are going to camouflage it will take 20 years for them to get 20 or 30 feet high. They are not going to camouflage the tower. That pine tree thing is like a bottle brush. Right now it is bare out there. That does not blend in. She researched that the migratory birds are affected by this. There will be potential law suits because Coweta County and Henry County are suing the County Commissioners and T-Mobile because they have not followed what is best for the county, what is best for the citizens and many times once you get in the door and T-Mobile has been known not to follow the contract and other things can happen.

Cecil Davis – 118 Runnymede Road

Mr. Davis said what real good for the community can come from this cell tower? Has anyone ever heard of asbestos? There are constant lawyers on TV now advertising that if you worked in a Navy shipyard or a manufacturing plant during WW II and you have Mesophelioma you have a legitimate claim. How long did it take them to realize asbestos was dangerous, 15 years, 20 years? We don’t know but now it is a problem. Those that used to go to Daytona Beach and lie out in the sun are having skin cancers removed from too much sun. Who knows what the medical affects are going to be? Nobody really knows. The point is what real good will come to the community from this cell tower? Most all of us have a cell phone with real good service. We have land lines. Two people will basically profit from this, the land owner and T-Mobile. T-

Mobil is going to leave. They are not going to stay in the community. They are going to work another site. That is their job. This is a nice neighborhood. What real good will come from this tower with the possibility of future problems and decreased property values?

Jim Barlow – 2000 South Sixth Street Extension

Dr. Barlow said it is just common sense regarding the property values especially for the people adjacent to this. They are going to take a big hit. It is not fair. He looked at the location. It may be 400 feet from the road but it is not 400 feet from adjacent property. He thinks something that tall should be required to be at least as far back as the thing is tall from adjacent property. He cannot imagine something that tall standing on a property line. It seems completely unfair. He agrees with the health risks. This is an electromagnetic radiation just like the sun and it is going to be putting out 24/7. People near it, you just don't know what is going to happen to them. There is no way to predict. T-Mobil probably won't be around to fix that when it comes. Zoning is for the benefit of the public. We are the public in this area and it is not going to benefit us. We don't need it. We don't want it. He does not feel it will benefit anyone outside the area. The people in this area should have the most to say about it. It has been said that the FCC demands that it be done. If there is a gap proven you cannot deny it. In previous meetings T-Mobil has indicated that their problem is not with outdoor coverage but with in-building coverage. He does not believe the FCC meant to promote an infinite number of carriers allowed adequate coverage by their definition. If there are 20 carriers that want 95% in-building penetration are you going to allow 20 carriers to put up enough towers to attain that? This tower is not going to do that. They will have to put up 6 or 8 more towers. They are still leaving huge areas uncovered if that was their goal. When the FCC refers to a gap he does not see where they define a gap. It seems to leave it to the Commissioners to determine what that gap is. The only gaps they have shown is computer models. They have not shown any on the ground data where their problem is. He does not feel the gap is that significant. In previous meetings the only reason they wanted it was for their in-building coverage. They have never shown any data on how many structures are in this area. He does not think there are that many there relative to what they are putting up. If he wanted coverage he would show there are 500 buildings they want coverage in. They have not shown that data. All they have shown is that it is not 95% by a computer mode. That does not prove it to his satisfaction. They previously mentioned that it was for their coverage only but tonight you hear about the benefits of having three carriers on a pole which is another source of income that he thinks was part of this from the beginning. It seems we have switched gears when they talk about the benefit of their coverage and now you talk about how we are going to benefit by getting three carriers on this pole. We live out there and we all have coverage, we all have phones, we use our phones and we talk to each other from our houses. We don't have a gap and they have not proven one.

Sean Cain – 1970 South Sixth Street Extension

Mr. Cain said he is a third generation Griffinite. He is not quite as old as Mr. Harris but he has the fourth generation growing up in the house across the street from Mr. Harris. His theme is, "If it ain't broke, don't fix it". It seems the zoning was correct when it was put there originally. He is not certain of all of the definition of R-1 Zoning but that is the zoning they live in. He asked the commissioners to protect the integrity of the investment they have all made behind the R-1 Zoning. He has been in his house 11 years across the street from the Harris that Ms. Harris sold to him.

Lisa Rafferty – 1901 South Sixth Street Extension

Ms. Rafferty said she lives right next door to the proposed tower site. She was curious about the actual gap in the in-building coverage so found someone that had a T-Mobil phone in the area. She borrowed her phone and went to as many houses as she could within a one to two-mile radius of her house. She was able to make a cell phone call easily from all of these homes. She furnished a list of all the addresses of the houses she visited.

Jack Landham – 744 Maddox Road

Mr. Landham said in the interest of time he would yield his spot. He said he is not in favor of the tower.

John Rafferty – 1901 South Sixth Street Extension

Mr. Rafferty said his wife just spoke. They are on the southside of the propose cell tower. He represents a different story. He was not born in Griffin and he does not work in Griffin. His family moved to this area in 1996. They decided in early 2000 to purchase a piece of property out and to save their money and build a home. The intent was to build in a neighborhood, not in a subdivision which necessarily had covenants but a neighborhood where there was zoning protection. They like to see the wildlife. The intent was to see their children go through the Spalding School System and someday return and enjoy the property. He is against the cell tower. He does not think any person would want their family around a cell tower. You would not want it in your backyard. You would not want it close to your house. He does not know if in 15 year we are going to know whether it is safe or not. His view is that it is not zoned for this area. He uses a cell phone. He uses AT&T and his wife uses Verizon. When she made all of those calls they were made inside those houses. Not on the outside. The Zoning Commission did a fantastic job, not because they voted against it, but because they spent a lot of time asking all the right questions. They gave everyone an opportunity to put their views on the table. They understood all the issues that were out there for both the neighborhood and for the service providers. As a user of technology he is very pro technology. One of the recommendations would be for them to join with the community and the business leaders and put some regulations in the neighborhoods across Spalding County. We do not know the process and do not understand the process but if someone came in and purchased a piece of property we have the right to know where cell towers are going to go in the future. Zoning has already done that and they say they do not go in these places. If you are going to change that you owe it to the community to include them in the process. He requested the Commissioners vote against this.

Mr. Freeman called on Mr. Galloway to review the impact the FCC has on this application.

Mr. Galloway said he had sent the County Commissioners and the members of the Board of Appeals extensive memos regarding the application. He advised that this is impacted by regulations of the Telecommunications Act of 1996. This act provides that the Commission is under an obligation to not preclude wireless services where there is a significant gap in coverage. It is up to the applicant to prove there is a significant gap. Historically the county has not incurred the expense to provide an independent radio frequency analysis. This is due to the cost. The cost of analysis on towers is very significant. Under the law, as we find it, the applicant has the burden to establish that a substantial gap exists in cell coverage in the vicinity of the tower. A substantial gap may be satisfied if the applicant shows a significant gap in service in buildings in addition to vehicle and outdoor areas. The substantial gap is not satisfied by a diminimus gap in service. A substantial gap test may be satisfied if the coverage holes are large or frequent or that a significant number of residences have no service. These instances are exemplary but not exhaustive. The substantial gap evidence must be satisfied by a presentation of substantial

evidence. The actions of the county cannot prohibit the provision of personal communication services. One other thing that has come up is regarding services available through other carriers. Based on current review of status of the law an application cannot be denied solely because one or more carriers already serve the area. This type case is different than the usual zoning actions you see. If someone chooses to appeal whatever decision is made it will go the U. S. District Court in Newnan. The ordinance specifically provides preference for the location of towers on commercial and government property. You cannot prohibit them entirely from residential zones. It is not strictly a zoning case because you have the overlay of federal law.

There was a question and answer session between the County Commissioners and Mr. Taylor and Mr. Galloway regarding the number and current location of towers in Spalding County.

Mr. Freeman said he does not understand the reason a cell company would pinpoint one area and encounter resistance and not move further down the road.

Mr. Butler Fevrier – 4 Concourse Parkway – Atlanta, Georgia

Mr. Fevrier advised that he is an engineer with T-Mobile. All of the studies in this area have led them to extend their coverage into a residential pocket of Griffin where they have a significant gap in coverage. He showed maps with the current coverage area they consider to be impaired. He additionally showed a map with the coverage if this tower is in place. He reviewed their interpretation of in-building coverage. He explained their dropped call numbers. He reviewed the need for 911 coverage in this area. T-Mobile is in the servicing business. They are trying to serve their customers that demand they have better coverage in this area. T-Mobile is not in the tower business. When their customers are responding with a need they have to meet that need. That is the reason for the new tower.

Mr. Ray discussed with Mr. Fevrier his qualifications. Mr. Fevrier said he is by trade an electrical engineer and has been designing wireless facilities for 15 years. He specializes in wireless telecommunications. Mr. Ray asked about the other T-Mobile towers in the area as they relate to the proposed new tower. They are working to have “hand-off” points to connecting towers for transition from one tower to another. He discussed the “hand-off” points as they are currently and how they relate to dropped calls. Mr. Ray said comparing the current service with the proposed new service does not show much of an improvement.

Ms. Jordan returned to the podium for an additional comment. She called attention to maps that she had provided regarding the area of service that she received from T-Mobile. She noted that there are no gray areas of service for data or voice. When you call T-Mobile they advise that they have great coverage in buildings and that she should switch to their service. Which is correct? The person she spoke with was a salesman and the maps she has are provided by T-Mobile.

Ms. Flowers-Taylor asked if Mr. Melvin could be allowed to make further comments.

Mr. Melvin said one of the main points was property values and how it affects property values. They had a third-party property value study done. They wanted to try to find a factual third party that would come in and assess this area in Spalding County. They found that it did not have an impact based on the facts. Those facts were part of the information they furnished to the County Commissioners for this meeting.

Mr. Fevrier was asked to discuss the maps Ms. Jordan was using for reference. Mr. Fevrier said the maps she has are put out for marketing brochures. The propagation tool he uses is an engineering tool that produced the map for them to us. If you look on the web-site they advise that they use a filter on that map to actually show you the expected coverage in the area. There are instances where that map is compromised. However, at T-Mobile they strive to actually do a better job of giving the marketing-sales department the right information. The data he has shared is engineering data. They collect data for an engineering sound propagation map.

Mr. Ray said there has been a lot of discussion regarding the tower versus the multiple small mini towers and other options available to T-Mobile to come into the community to be able to set up different towers within the community. They have come with one tower that did not have any leaves on it to a tower that has leaves and reduced by three feet. Why did they not consider any other option?

Mr. Fevrier said they have done a lot of studies to show the opposition where it makes sense for that system to be implemented. He reviewed the need for more locations for the DAS system. The tower requires only one location. If you put many DAS systems in a residential area you are looking at putting a “node” on almost every block. He reviewed other problems with the DAS system and noted that the application for a DAS system was not in this area. Mr. Ray asked if a study had been done regarding that system. Mr. Fevrier said it had not been done.

Mr. Davis returned for further comment. He said there is a petition signed by a group of residents and there is a crowd present. He asked if T-Mobile had a petition from their customers regarding bad service in the area. How many e-mails have they received from T-Mobile customers complaining about poor service?

MOTION

Mr. Ray made a motion to deny Application #10-10S. Mr. Freeman seconded the motion. The motion passed with Mr. Freeman, Mr. Gilreath and Mr. Ray voting for the motion and Ms. Flowers-Taylor voting against.

ADJOURN

The meeting was adjourned on a motion by Ms. Flowers-Taylor and a second by Mr. Ray with Mr. Freeman, Ms. Flowers-Taylor, Mr. Gilreath and Mr. Ray voting for the motion.

Eddie Freeman – Chairman

Yvonne M. Langford - Recorder