

Russellville Planning Commission Minutes
May 26, 2020 @ 5:30 p.m.

The Russellville Planning Commission held a virtual meeting on Tuesday May 26, 2020 at 5:30 p.m.

Members Present

Chairman Wendell Miller
Vice-Chairman Don Jacimore
Secretary Nathan Barber
Luke Duffield
Larry Smith
Cody Black
Jim Lanier
Shirley Hatley
Council Liaison Justin Keller

Members Absent:

Justin Cothren

Also present: Mayor Richard Harris, City Attorney Trey Smith, P/W Director Kenneth Duvall, City Planner Sara Jondahl, City Engineer Glenn Newman, Fire Marshal Richard Setian, Planner I Victoria Marchant, Flood Manager Ben Gray, Betsy McGuire, David Garza of Barrett & Associates, Debbie Harris, Don Erwin, Ira Wimer of HTW Architects, Engineers, and Planners, Janna Martin, Randy Hendrix, Ivory Pearson, Jim Lynch/City Corporation, Judge Carmen White, Mary Cohoon, Lisa Huelle, Mark Alderfer of Heritage Engineering, Ralph Wyngarden/Verizon, Rebecca McMullen, Chris McMullen, Regina Watkins, Sarah Hann, Jason Hann, Bryant Pearson, Suzanne Alford-Hodges, Jay Brown, Patricia Brown, and Mitch Bennett.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Planning Commission April 27, 2020 meeting.

Commissioner Duffield made the motion to approve the minutes as written. The motion was seconded by Commissioner Hatley and approved unanimously.

The Second Order of Business is a request to review and approve an application for a “Memorandum of Understanding” which would allow parking in the Right-of-Way along E C Street for property located at 400 E C Street. Submitted by Jay and Patricia Brown.
(SP.20.05.182)

City Planner Jondahl said when the applicants went through the vacation of Right-of-Way it was determined that parking was in the Right-of-Way. The application is to request a Memorandum of Understanding to allow five of the required parking spaces for the business in the public Right-of-Way along East C Street. The conditions where a Memorandum of Understanding:

License in Land application may be approved include: 1) A license is assignable only for the use of parking within the Right-of-Way 2) The licensee shall not gain an interest in the land by granting of this license 3) Future improvements to the Right-of-Way that include sidewalks may require the licensee to abstain from using land that this agreement may cover. 4) The licensee agrees that any expenditures of the licensee within the public Right-of-Way shall not be performed on the reliance of this license 5) The licensee agrees that there are not any interests in the land to be coupled with this license 6) The licensee shall not expand any more development within the public Right-of-Way than what is already presented as part of the application 7) The license is revocable at any time 8) The licensee understands and agrees that any improvement of the property owned by the City and covered by the license shall be solely at the Owner's expense and shall not be reimbursed by the City.

Public Works said the distance from the back of curb will be no closer than 2 feet with cars not overhanging that two feet, with striping indicating that required distance.

It is staff's recommendation that we forward the Special Use Permit to City Council for approval with the 8 conditions listed along with the requirement that vehicles be allowed no closer than 2 feet behind the curb by painting a stripe to indicate such.

Jay and Patricia Brown agree to it all.

Commissioner Smith asked if there were any utilities in that Right-of-Way. City Planner Jondahl said she did not receive any comments regarding utilities in that Right-of-Way. She said it is possible there are utilities there but she did not receive any comments about them. Commissioner Smith said he was concerned if they have to go in and repair utilities then they would have to move cars and dig up that Right-of-Way. Jay and Patricia Brown said they do understand that.

Commissioner Smith made the motion to approve the request with the contingencies. The motion was seconded by Commissioner Lanier and unanimously approved.

The Third Order of Business is a public hearing requesting review and recommendation for a Special Use Permit to operate a used car dealership on the property located at 3405 E Main Street, in a C-2. Submitted by Ira Wimer of HTW Architects, Engineers, and Planners on behalf of Matt Enderlin. (SP.20.05.183)

City Planner Jondahl said the application is to request a Special Use Permit to allow a car dealership at the corner of Lexington and East Main. This property was formerly a used car lot but no Special Use Permit had ever been issued. The proposal does indicate how they are going to be able to meet most requirements for commercial building design. City Planner Jondahl stated that the side of the building adjacent to Lexington will need to comply with commercial building design, Article 3.20 of Russellville Zoning Code. The proposal includes plans for a new building to be constructed at this location. City Planner Jondahl clarified that the issuance of the Special Use Permit does not authorize construction to begin, commercial construction building permit review will still need to be submitted and reviewed before construction can begin.

It is staff's recommendation that we forward the Special Use Permit to City Council for approval with the requirement that all sides of the building adjacent to the public Right-of-Way meet the requirements of Article 3.20, Commercial Building Design.

Ira Wimer of HTW Architects, Engineers, and Planners said that it will be a new car dealership at a location where cars have previously been sold. He said that the new building will look better than the current structure on that property and that he believes it will enhance that area.

Chairman Miller asked if that was previously the location of the Nebo 2 car lot. Ira Wimer confirmed that it is that location.

Ira Wimer said the company is named ByRider and said it is similar to CarMart but they give warranties on the cars. He said it seems like it would be a good fit.

Commissioner Jacimore made the motion to approve the request as presented. The motion was seconded by Commissioner Duffield and unanimously approved.

The Fourth Order of Business is a request to review and approve a Large Scale Development at 2911 S. Arkansas Ave. The expansion will house storage bays and include a new structure which will be a wash-bay for Greenway Equipment Inc. Submitted by Mark Alderfer of Heritage Engineering on behalf of Marshall Stewart. (DV.20.05.166)

City Planner Jondahl said this application is to renovate the existing structure of 17,660 square feet additionally adding 6,600 square feet for a John Deere dealership that has outgrown its existing location, to be located at 2911 S. Arkansas. City Planner Jondahl stated that this is a permitted use in this zone however, because of the size it has to go through the Large Scale Development process. The property meets setbacks. There was no indication of if they were doing exterior lighting but that could be addressed during commercial building review. This property is in the Arkansas River Industrial District character area in which the sidewalk code was just updated. The update states that sidewalks in this area are not required and this application will benefit from this zone text amendment. The applicant will need to submit any signs for a separate building permit application. City Planner Jondahl did point out that the current building does not appear to meet the requirements of architectural metals that would be allowed in Article 3.20 Commercial Building Design. She said that this would need to be addressed and compliance shown prior to the issuance of the building permit. City Planner Jondahl stated that parking was not addressed on the plan but would need to be. The property currently has three driveways, which does not meet the Arkansas Highway Department current requirements. The Arkansas Highway Department recommended that the center driveway be closed.

Public Works made the comment that staff has received the revised drawings that indicate that there is an increased flow due to the proposed development. Therefore, since that site is over the threshold of 2.5 acres detention will be required. Since this is an existing development the applicant will be required to only address the change in the site, not mitigate for the initial construction. The applicant will need to submit a Stormwater Management Plan for Large

Developments per the Drainage Manual. There appears to be adequate room on the site for a detention pond. Staff does not have an issue with allowing this project to move forward.

It is staff's recommendation to approve the Large Scale Development with the following conditions, comply with Article 3.20 Commercial Building Design regarding the façade of the structure adjacent to Arkansas Ave, close the center driveway, provide details of how parking requirements of Article 4 will be met, and submit a Stormwater Management Plan per our Drainage Manual.

Mark Alderfer of Heritage Engineering said in regards to the first condition complying with Article 3.20, he wanted to point out that it is an existing structure. He said the owner is making a significant investment in the property and he did not plan to make any changes to the front façade of the building. He said that he hoped there would be some leeway granted to this project because it is an existing building. He said they would work with the city to come up with a solution that meets the zoning requirements. Mr. Alderfer said they would have no issue meeting the other three requirements.

Commissioner Duffield made the motion to approve the request as presented. The motion was seconded by Commissioner Lanier and unanimously approved.

The Fifth Order of Business is a public hearing requesting review and recommendation for the Rezoning of the property located at 4109 W Main Street from R-1 Single Family Residential to C-2 Highway Commercial to allow a small family business. Submitted by David Garza of Barrett & Associates on behalf of Jo. Anderson. (ZO.20.05.218)

City Planner Jondahl said that this property is located along West Main and they are requesting to rezone their property from R-1 Single Family Residential to C-2 Highway Commercial. She stated that properties to the north and south along West Main are already commercially developed. City Planner Jondahl stated that when considering a zone map adjustment careful consideration needs to be made in regards to the future of the area, the comprehensive plan, and the uses in the surrounding area. The 2020 plan identifies the predominant types of land uses for all properties within the planning area most likely to be urbanized over the next two decades. The City's Draft 2040 plan shows that this area will be a suburban corridor and transition to a commercial corridor. City Planner Jondahl said this rezone application is in line with both what we physically see out of the property and is in alignment with both current and DRAFT ReImagine Russellville 2040 Comprehensive Plan.

It is staff's recommendation to forward the request for a rezoning of the property from an R-1 Single Family Residential to a C-2 Highway Commercial for approval by City Council.

David Garza of Barrett & Associates explained that Ms. Anderson currently lives on the property and her children may have to come in to start taking care of her. Her children have a very small business in which most of their operation takes place offsite. This was the reason for the Rezoning Request.

Commissioner Black made the motion to approve the request as presented. The motion was seconded by Commissioner Smith and unanimously approved.

The Sixth Order of Business is a public hearing requesting review and recommendation for a Special Use Permit to allow issuance of the Tower Use Permit for a 100' monopole commercial communication tower, location is 634 W 5th Street, in a R-3. Submitted by Cellco Partnership d/b/a Verizon Wireless on behalf of the owner Bridge Church. (SP.20.04.181)

City Planner Jondahl said this is an application to construct a 100' Monopole Commercial Communication Tower by Verizon Wireless. The properties in this area are all zoned R-3 and it is located next to James School Park. It is mainly a residential area. The current property is vacant and there are some unwanted items on the property. It is located in the Glennwood neighborhood. Within this district you see a mixture of residential uses from Single Family to small apartment type uses, along with residential secondary uses, such as several City Parks, the Russellville Intermediate and Middle School Campus, Churches, and the Bus Barn for the school district. The proposed location for the 100' tall Commercial Communication Tower is the intersection of W 5th Street and S Houston Place. According to Article 3.18 a commercial communication tower within a residential zone is permissible through the use of a special use permit. The applicant has submitted elevations that show how the existing structure will look and include details showing a proposed 6 foot chain link fence. Additionally, have provided a very thorough compliance statement outlining how they meet all the requirements as listed in Article 3.18 and after review staff concurs with their statements of compliance with the following comments: 1) A Certificate of Compliance with the National Environmental Policy Act (NEPA) will be required prior to any permits are issued, acknowledged and agreed is not sufficient for permit issuance, although the Special Use Permit may be approved without it. 2) The City would ask that the chain link fence is a sight obscuring fence. Recent updates proposed to the zone code include requirements for vehicle storage yards to include sight obscuring fences and although this is not a vehicle storage area, due to the proximity to the park a sight obscuring fence is recommended. City Planner Jondahl said that the applicant has met all of Article 3.18. She said she would hold off her recommendation until comments were heard.

Public Works said regarding the existing driveway, that a Grading Permit would be required.

The Parks Department expressed concern regarding the future placement of the Latimore Home directly across the street from the proposed monopole.

Ralph Wyngarden of Faulk and Foster—on behalf of Verizon Wireless and the Bridge Church—said this site would help Verizon Wireless meet its obligations under its licenses from the FCC to serve the City of Russellville. The site will address capacity in the area located southwest of the core downtown area at the Russellville Middle School and in the surrounding neighborhoods. Mr. Wyngarden explained it will provide high quality wireless service which is part of the City's critical infrastructure. It will benefit public health, safety, and welfare by not only meeting daily personal and business needs, but also providing crucial communication during accidents, fires, storms, crimes, health events, or other emergencies. Mr. Wyngarden explained that there are essentially two types of new sites, coverage sites and capacity sites. Coverage sites are where there is currently poor or no service and a new tower is needed to fill the coverage gap. The present application is a capacity site. This means that Verizon has existing towers that provide service to this area but the amount of usage is increasing to a point where it

will be overloading these towers and a new tower is necessary to help handle the amount of usage. Mr. Wyngarden explained that current subscribers do have coverage in this area but as usage continues to increase service will deteriorate if nothing is done. This results in interruptions, dropped connections, or inability to connect. Mr. Wyngarden showed a map of surrounding Verizon sites. He pointed out three current sites, the first sits to the northwest of the downtown near the University, the next is located to the south near the paper mill, and the next is to the west near Skyline drive. He also mentioned a current site to the east that was not shown on the map. He stated that from a capacity standpoint they needed a new site in the middle to offload the before mentioned towers. He pointed out a square on his map which identifies the Russellville Middle School, which was the initial target for their site. The Middle School is surrounded by residential neighborhoods. Mr. Wyngarden explained that it was necessary for them to find something that was by residences to have a position equally from the other sites. They could not get an agreement with the Russellville Middle School to get a site on their property, so they looked around and found the current proposed location. He stated this was the closest location they could find to the target. The new tower has to be constructed in the middle of existing sites to create a new service area that will offload about half of the burden from adjacent sites. Mr. Wyngarden gave the example that the site near the University is approximately .9 miles from the current proposed site, with the new proposed tower in place it would divide the service in half by the two sites. This means the users within a little under a half mile of this site would be served by the proposed tower, and users within about a half mile of the University site would be served by that tower. The new tower would open up space for future growth in usage for both the proposed tower and the University tower. Without the new tower, the entire burden remains on the existing tower and there is no room for growth. This is where the deteriorations in quality and ability to connect would be seen. Mr. Wyngarden said that moving the proposed tower location even slightly has a significant impact. He acknowledged that alternative locations have been mentioned and that he wanted to mention that moving to an alternative location would not be simple for Verizon. They have invested a lot into the current proposed site. The first proposed alternative that he mentioned was Circle Drive Park which is northeast of the Middle School. This location is still in a fairly dense residential area and he thought a lot of the same concerns would be raised if that location was chosen. He also pointed out that this location is in the middle of a regulatory floodway area. Another proposed alternative was an existing CenturyLink Tower on the rooftop of a CenturyLink building at approximately 3rd and Denver. Mr. Wyngarden said this location has been previously proposed to Verizon but was rejected by them. He did not have details for why that site was rejected. The proposed tower is a 100' monopole, which is a single pole with no guy wires. Verizon will design it to allow for co-location by existing future providers. The parcel is owned by the Bridge Church and consists of two adjoining vacant lots. Mr. Wyngarden said that the proposal has been designed to meet the Russellville Ordinance requirements. He noted that when the Zoning Code was drafted it did not rule out residential areas for this use, instead it was drafted to take in concerns of residential neighborhoods and that is why it included specific limits. Mr. Wyngarden specifically cited Article 3.18.3 subsection one, which calls for a 100' height limit in residential zones. He also cited Article 3.18.3 subsection two, which requires setbacks of 50 percent of the tower height from abutting residential parcels. This location was designed to meet the requirements. He stated

that at 100' the FAA does not require lighting of the tower at night. Mr. Wyngarden concluded by stating they have tried to show compliance with all legal requirements. He asked that it be forwarded to City Council with recommendation of approval with the conditions that staff mentioned.

Sarah Hann said that her family has lived in the Glennwood neighborhood for 17 years. The proposed site is only one block from their house. She said she was shocked when she received notice of the proposed tower and said this location is wrong for many reasons. Mrs. Hann said the proposed lots are only 100' by 80' and that she is aware of the 50' setback requirement. She believes when it was drafted it never thought the tower would be in the Downtown Historic neighborhood. She said because of the dimensions of the lot and the setback requirement the tower would only be 30' from the public road. Mrs. Hann said in her mind the lot is far too small. She said that while it may meet the letter of the code, she does not think it meets the spirit of the code. She stated that no residential neighborhood would want a tower, especially not a historic neighborhood where houses sit close to the property lines. She is concerned with the number of storms that come through this area that the tower could fall on top of surrounding homes and/or apartments, the roadway, or James School Park. She said that some individuals do not feel comfortable speaking and that those who are speaking up represent more than just themselves. She referenced the petition turned into City Planner Jondahl and said some of the names on that petition are names of people whose houses would be directly impacted if the proposed tower were to fall. Mrs. Hann said that during her research she found that property values for homes surrounding a tower dropped by as much as 20 percent. She said that her family has been restoring their home for 17 years and that additions to the home have raised the property value. Mrs. Hann said they love the location as it is close to the downtown. She said that if by some chance they decide to sell and the property value has dropped because of the proposed tower, they might walk away with not much more than they owe the bank. She said their home is from 1928 and they have worked hard to restore it but despite that, if they were to sell most families would not want to buy a home so close to a cell tower. She said most likely if they had to sell their home it would go to someone who would rent it out as low income housing. She said she believes they are condemning this street to a fate that she hates to see. Mrs. Hann says this would be terrible for her family, her home, and her neighborhood. She said the pride of many cities are their historic neighborhoods and districts, and she believes that if the proposed tower was to go in their neighborhood it would reflect badly on their neighborhood and the city as a whole. Mrs. Hann asked that those listening please protect their rights as residents by protecting the residential status of their neighborhoods. She said that both the Old Town neighborhood and James Park neighborhood hold a lot of historical significance for the City of Russellville. She said she understands Verizon's need for a cell tower, but she believes the burden rests on Verizon to find the best location that meets not only their needs but the needs of the city and its residents. Mrs. Hann thinks that more alternative sites should be explored that can meet their needs. She said the current location is unacceptable. She said the Planning Commission members have the right to negotiate on the citizens behalf to protect the resident's rights. She said that they are not under obligation to Verizon but they are under obligation to the residents. Mrs. Hann asked that they protect their neighborhoods, their safety, their homes, and their history.

Don Erwin said that he and his wife have been homeowners in the Western Hills subdivision for 27 years. He said they have visited the proposed site and they have spoken with the Pastor at Bridge Church. He said he was speaking against the Special Use Permit for the tower. Mr. Erwin said he was speaking based on the principles of do unto others as you would have them do unto you, and love your neighbor as yourself. He said he did not want a 10 story tall cell tower in the Western Hills subdivision. He believes it is not in the interest or in the pursuance of the wellbeing of the James School Park neighborhood to have a 10 story tall cell tower built at the proposed site. Mr. Erwin said he wanted to speak in support of the integrity of the city, stating there are ordinances that define commercial and residential areas. The James Park neighborhood and historic district east of Glennwood are residential districts. He said this tower does not belong at the proposed site. Mr. Erwin concluded by saying he urged those listening to support their neighbors and uphold the integrity of their city.

Mary Cohoon said that she felt the virtual meeting was an inadequate way to conduct business that affects many citizens and sets a precedence for the future. That precedence being the erection of significant structures in a solidly residential zone. She said Verizon has been working for around two years with the service of professionals to prepare to request this permit. Additionally, they stand to more than recoup their money from the establishment of the proposed tower. It is her understanding that the citizens of the immediate area were alerted 11 days before the initially scheduled Planning Commission meeting. She said that this brief alert along with a meeting format that is unfamiliar and inaccessible to many people makes it difficult for the Commissioners to fulfill the role of representing the interests of Russellville citizens over or at least equal to the interests of corporations. Ms. Cohoon requested that the Special Use Permit request be denied.

Bryant Pearson stated the proposed cell tower location is right behind where he grew up. He says his family has been in that area for about 112 years. He said the proposed site is in a traditional African American community, and that James School was the only African American school between Fort Smith and Morrilton. He said that neighborhood seems to catch what other neighborhoods are able to get away from. Mr. Pearson said that entire community has been surrounded by things that other communities have not desired to have. He said the community is now saying they do not want things dumped in their community. Mr. Pearson said Russellville is his home and he will always brag that Russellville is a place where race was not an issue. He says he wants to continue to think that when Russellville stands as a city that decisions that are made are made not based on the pigment of individuals or community members' skin.

Rebecca McMullen said she and her husband live in the Glennwood neighborhood. They live directly across the street from the proposed location. She cited an article from the Journal of Environmental Research that discussed how to go about choosing locations for cell towers. Mrs. McMullen said it was clear to her that the recommendations discussed in the article were not followed. She said the article starts off by locating schools and hospitals and not going within 500 meters of those. She said the proposed location is within 500 meters of the Russellville Middle School and is actually titled the Russellville Middle School Cell Tower. Mrs. McMullen said it was clear that the consideration of alternate locations did not take into consideration the

most recent professional recommendations. She said considering alternate locations should not be an afterthought just because Verizon put two years into the current site. She believes there should not be any excuse as to why certain sites were not initially considered. Mrs. McMullen said that if there are additional costs to consider these alternate sites because they were not considered from the beginning, she does not think that is anything that the City of Russellville should feel bad about. She acknowledged that Mr. Wyngarden said there was not currently a gap in coverage. Mrs. McMullen said Verizon should consider that because the gap does not currently exist, this is not urgent.

Lisa Huelle said she lives in the Glennwood neighborhood, approximately a block and a half to two blocks from the proposed site. She worries that a cell tower in the neighborhood will lower property values. She said they have been doing some remodeling and plan to do more on their 100 year old house. She said right now they are considering whether or not they should continue to invest more money into their home and risk not getting their money back if they decide to do more remodeling. Ms. Huelle says she has previously lived in homes where they had proposed variances in the zoning nearby. She brought up the idea of NIMBY, or not in my backyard. She said that she does not want this proposed tower in anyone's backyard. She said she does not want to go out on her deck and see the tower, but she does not want anyone to see that. Ms. Huelle thinks that Verizon could find another location where it would not be inside a residential neighborhood, lowering the value of homes. She said she hopes the Planning Commission will vote against it.

Janna Martin said she lives a block away from the proposed tower. She stated the residents in the area have done their homework, they have planned, petitioned, and researched. She asked the Commissioners and/or Mr. Wyngarden if there are other towers owned by different providers with space available that Verizon could lease? She cited that in the plans submitted by Verizon the proposed tower would have capacity for future providers to possibly use. In their current plans Verizon is only using six of the twelve available receptacles. She pointed out existing towers that she believed were within the .5 miles of the proposed location that Mr. Wyngarden did not mention. Ms. Martin also asked, besides cell coverage for the citizens of Russellville, what benefit would this have to the City as a whole?

Betsy McGuire said she lives in the Western Hills subdivision but she wanted to comment on this issue as the Chair of the Russellville Historic District Commission. She wanted to discuss the potential impact of this proposal on the City's ongoing community and economic development efforts. Mrs. McGuire stated in 2015 the City of Russellville began the process of updating their Comprehensive Plan, ReImagine Russellville 2040. That document resulted from the public process that was completed in January 2017. She said one of the areas of focus in that document was Quality of Life and Community Image. She quoted page 27 of the ReImagine Russellville 2040 Comprehensive Plan saying "The downtown and adjacent neighborhood are rich with historic character... How can reinvestment in blighted neighborhoods be encouraged?" Ms. McGuire says the document recommends that the city "Guide and carefully direct growth in a small and responsible manor" to "Create thriving vibrant neighborhoods, districts, and corridors that are distinct places" and "Encourage development that is compatible with the

natural and built environment of the surrounding area” (Page 30 ReImagine Russellville 2040 Draft). Mrs. McGuire said that page 86 of the document specifically addresses the Glennwood neighborhood saying “This area should be a focal point within the comprehensive plan.” She said on behalf of the city, the Historic District Commission was recently notified that its application for a \$12,000 grant for a historic resources survey of the Old Town neighborhood has been approved. Mrs. McGuire said this survey will help further the efforts that have already been taken for a number of years by the City, the residents, and property owners in Old Town to reinvest and revitalize that neighborhood. Locating a cell tower in this residential neighborhood has the potential to undermine their efforts and decrease the value of their homes, which for some people is their single largest private investment. Mrs. McGuire said that research indicates the proposed cell tower could devalue their properties by 20 percent. The Historic District Commission has been working with the Mayor and New Prospect Missionary Baptist Church on the donation and possible relocation of the Historic Latimore Tourist Home to James School Park. The Latimore Tourist Home is listed on the National Register of Historic Places and is significant to Russellville as the only safe lodging for African American travelers between Little Rock and Fort Smith during the Jim Crow era. She pointed out that properties such as this that were listed in the African American Green Book have gained much national attention and inclusion on the National Civil Rights Trail. Mrs. McGuire believes that if approved by the parties involved and with support from both the public and private sectors the restoration of the Latimore Tourist Home could be a source of lasting pride for the neighboring African American neighborhoods. She also believes that like other local landmarks it could serve as an additional amenity to the local tourism initiative. Mrs. McGuire said following a recent virtual meeting about the proposed cell tower, clarification was made by Eric Mills with the Arkansas Historic Preservation Program regarding the required Section 106 review process. Section 106 review requires consideration of historic preservation in multiple projects—like the proposed cell tower—that have federal involvement. Mr. Mills cited a possible gap in information that may have occurred in the application process that happened prior to the arrival of City Planner Jondahl. Mrs. McGuire says information that should have been provided to Russellville’s Historic District Commission may have been omitted. As a result, his office has rescinded their previous concurrence pending additional information or if necessary, reinitiation of consultation with the City and the Historic District Commission. According to Mr. Mills, a consulting environmental engineering firm acting on behalf of the FCC is going to review the case and get back with him. Mrs. McGuire said that there are many reasons why it is not a good idea to locate a 100’ cell tower in this neighborhood. She asked that there be thoughtful consideration to the proposed project.

Randy Hendrix said his father and other community members started to have a vision for James Park over 40 years ago. He said that the park has been there nearly 50 years, and that he and many others have grown up in that park. Mr. Hendrix said James Park means a lot to them. He said he came to the Commission with a plea for fairness and to ask for a voice for them. He said that Verizon is a faceless predator and that he feels as though it is a killer of neighborhoods like theirs. Mr. Hendrix said he feels like they have been targeted. He said there is nothing they can tell Verizon to make them understand that the tower being in their historical neighborhood is not going to benefit their people. Mr. Hendrix said Mr. Wyngarden mentioned that Verizon has put

effort and time into the project and Mr. Hendrix said they have put lives into the neighborhood. He said they do not have the money and the resources, but they have put their hearts and lives into it. Mr. Hendrix said the proposed tower will not benefit their community in any capacity. He said their history, their seniors, and their children are depending on the Commission to do the right thing. He said that many of the Commissioners have lived in Russellville for most of their lives and therefore the Commissioners know how these neighborhoods feel about James Park. Mr. Hendrix said the Commissioners know they would not want this in their backyard and that they are the Commissioners neighbors. He said this may not be a great concern to some, but he asked that the Commissioners consider how it would affect them if the Commissioners were in their shoes. Mr. Hendrix said he was not blaming anyone and acknowledged that he knew this was a tough fight. He said that the Commissioners need to show the people of the community that the Commissioners are on the citizens' side. He said that they live, eat, and raise their kids in Russellville, Verizon does not. Mr. Hendrix asked on behalf of the James Park community to seek out another avenue to accommodate Verizon's needs and keep the community safe and historical.

Ivory Pearson said she has lived in the Independence neighborhood for 50 years. She said this is her home where she raised her children. Mrs. Pearson said this home and community was designed for residential property. She acknowledged that Verizon was asking for a Special Use Permit but asked that those listening consider their efforts. She said that a study conducted showed that compared to those not living by a cell tower, newly developed cancer cases were three times higher for those living within a quarter of a mile of a cell tower. Mrs. Pearson said other studies have found that the risks for breast cancer were more significant for those living near a cell tower. She said that other studies have found that the levels of radiation emitted from cell phone towers can damage cell tissue and DNA. Mrs. Pearson said if this project is allowed to precede this would be nothing more than taxation without representation. She concluded by saying just as protests on TV say Black Lives Matter, black communities matter, and black health matters. Mrs. Pearson concluded by asking the Planning Commission to reconsider.

Chairman Miller asked if there were any questions for Ralph Wyngarden or any of the individuals who spoke, or if any of the Commissioners had comments of their own to make.

Commissioner Smith said it appears that the tower cannot meet the south setback without it getting a variance from the Board of Adjustment. Commissioner Smith asked for clarification if they needed 50' setbacks on all four sides. City Planner Jondahl clarified that there must be 50' setbacks from residential property lines. Mr. Wyngarden said that they are referring to Article 3.18.3 subsection 2 which states that the setbacks must be 50 percent of the tower height from abutting residential parcels. He said that the way they read that is to the south there is the Right-of-Way to the street making the next abutting residential parcel the parcel on the south side of the street. This would make the measurement for the setback not to the property line itself but instead the parcel across the street. Commissioner Smith asked Chairman Miller what the Board of Adjustment would have to say about that. Chairman Miller stated that this had not been brought up yet. City Planner Jondahl said the Board of Adjustment has not seen this application. She stated that the Zoning Code says it has to be "a distance at least 50 percent of the height of

the tower measured from the base of the tower to the property line of the residential lot, excluding Public Right of way that may be zoned Residential.” This means it specifically excludes the Right-of-Way. There is a 60’ Right-of-Way meaning that it is 90’ to the residential property line on the south side. Commissioner Smith stated he thinks the Board of Adjustment needs to see this application.

Janna Martin asked if the application were to go through and the City Council were to pass the application, how would construction affect all the surrounding properties? Chairman Miller said this question may be getting the cart before the horse.

Commissioner Hatley noted how passionate the people of the area were about their property and the history of the surrounding community. She thanked them for sharing their comments and love for the City of Russellville. Chairman Miller agreed that there was a lot of hometown pride shown.

Commissioner Duffield asked Mr. Wyngarden if it was correct that Mr. Wyngarden did not have the engineering with him as to why the existing CenturyLink tower had been rejected by Verizon? Mr. Wyngarden confirmed that he did not currently have that because it was a location that was considered quite a while back and the people at Verizon handling the site had changed over since then. He also said with the holiday weekend he was not able to get a hold of the exact rationale. Mr. Wyngarden did state that the location was presented to Verizon for their consideration and he said looking at the map it appears the CenturyLink location may be getting out of the target area located between the existing towers. He said this may be why the site was rejected but he was not certain. He said when Verizon picks a site they are not trying to put something unwanted in an area, they are looking to serve an area that is not being served properly. Mr. Wyngarden said that in Michigan they are on fairly strict lockdown and most students are doing learn from home online. He said they have found that in many underserved neighborhoods children are not able to do the online school because they do not have the needed infrastructure. He said from the Verizon perspective, they do care about the Russellville community. He said they feature the infrastructure so that people in the area will have the fast 5G when it comes and will not be left behind without it. Mr. Wyngarden addressed health by saying the FCC has determined that as long as the antennas are at least 10 meters off the ground it is something that should not be used as a basis for decision because they are such low power operations. He explained that a nearby tower can help the handset operate at a lower power, stating that a lot of the issues come from holding the handset next to the ear. Mr. Wyngarden said it is not the health concern it is being made out to be and that in fact it improves the power generated by the handset. He addressed property values by stating that studies he has seen have not indicated property value decreases. He said he did not know if homes next to the CenturyLink tower in Russellville were selling for 20 percent less than houses in other neighborhoods. Mr. Wyngarden said that often people looking for homes see having adequate cell coverage as an important factor. As far as the visibility and aesthetics, Mr. Wyngarden said that all of the utility lines in this neighborhood are above ground meaning there are 30-35’ utility poles running down the streets in people’s front yards. He says that looking at a utility pole in

their front yard is more dominant than a tower a block or so away. Mr. Wyngarden said that this tower is intended to directly serve the community that it is in with top notch 5G service.

Chris McMullen lives in the Glennwood neighborhood and he stated that driving through the neighborhood there are other vacant lots that are closer to businesses. He pointed out a few vacant lots, one next to the Forestry Service building, one north of 2nd and Independence. He said these lots are close to the proposed location but are near commercial areas instead of residential areas with a city park and historical downtown neighborhood. Mr. McMullen asked if these properties were considered? Mr. Wyngarden was not sure where these locations were exactly so could not answer whether they had been considered. He stated that the target started with the Middle School itself and moved out from there, he was not sure if any of the locations Mr. McMullen mentioned were near the Middle School property. Mr. McMullen said they are near the Middle School. City Planner Jondahl offered to send Mr. Wyngarden a map of the locations. Mr. Wyngarden said that would be good.

Randy Hendrix stated that the wooden poles along the streets in these neighborhoods represent their history. He said the wooden poles are not what they are concerned with.

Sarah Hann referred to Mr. Wyngarden's comment about the children doing school from home in Michigan and that there was a gap in coverage. She said that Mr. Wyngarden has already said Verizon has no gap in coverage currently and that they are only looking for the future and capacity. She said that there are no issues with children needing online schooling in Russellville and if there is an issue it has more to do with technology than lack of coverage. Mrs. Hann said this has to do with Verizon wanting a site to prepare for the future but also sell space to other companies. She said that respectfully, Mr. Wyngarden's comments were not appropriate for the Russellville community and the needs of the community. Mrs. Hann said a 100' monopole is entirely different from a 35' wooden pole.

Commissioner Black asked that in regard to property values, if there are any other less intrusive variations of the tower from an aesthetics standpoint. Chairman Miller said they have looked at the possibilities of making it look like a big spruce tree. He said there are options to decorate them to make them look like a tree but that did get met with much comfort from the community. Chairman Miller said that they are looking at more of a safety issue and other issues. Chairman Miller said that they did look at it from an aesthetic point of view but did not have any market analysis on property values in relation to different aesthetics.

Commissioner Duffield said he feels strongly that ideally, they would search for an area that was already zoned for commercial rather than putting it into a residential area with the history that this one has. He said the proposed location is not far from the CenturyLink cell tower which is more along the 64 corridor. Commissioner Duffield said he would like to see why the CenturyLink location and others were rejected. He said it seems like there are potentially sites that are maybe within the zone of future coverage that would be more palatable to the City and the community. He said he would like to see that studied more. He thinks it is important to show Verizon other options that they may not have completely vetted that would be agreeable to all parties. Commissioner Duffield said he would like to see more from Verizon on that. He said that

he felt he had heard loud and clear what the resident's feelings were on the proposed site. He said he would still like for Verizon to have the opportunity to try to locate a place that would serve their purpose and comply with Russellville zoning. Chairman Miller agreed and said he believed this would be better for all parties involved. He said he would also be interested to see why the CenturyLink building did not work. Commissioner Duffield said he would like to give Verizon the opportunity to present other locations before the Planning Commission votes.

Commissioner Duffield made the motion to table until more information can be provided. The motion was seconded by Commissioner Hatley and passed with a roll call 6 for 0 against with Commissioner Barber abstaining.

Meeting adjourned.

Chairman Wendell Miller