

**Joint City-County Planning Commission
of
Barren County, Kentucky**

September 20, 2021

The Joint City-County Planning Commission of Barren County, Kentucky met in regular session on Monday, September 20, 2021 at 7:00 PM in the Council Chambers of the Glasgow City Hall.

Tommy Gumm, Chairman, called the meeting to order at 7:00 PM.

The meeting was opened with the Pledge of Allegiance.

The roll was called with the following Commission Members present:

Eddie Atnip (Zoom)	David Jessie
Joe Austin	Joan Norris
Gary Carroll	David Rutherford
Tommy Gumm	Janis Turner
Ricky Houchens	Candy Wethington
	Forrest Wise

Brad Bailey and Lewis Bauer were absent.

I. GENERAL BUSINESS:

A motion was made by Candy Wethington and seconded by Joe Austin to move Agenda Item # 4 – Treasurer’s Report, to the end of the meeting. Motion unanimously carried.

Agenda Item # 1 - Approval of Minutes

A motion was made by Forrest Wise and seconded by Candy Wethington to approve the August 16, 2021 minutes. Motion unanimously carried.

Agenda Item # 2 - Approval of Invoices

The September 20, 2021 invoices were presented for payment.

A motion was made by Joan Norris and seconded by David Jessie to pay the invoices as presented for payment with the addition of \$469.50 from the Barren County Business Supply. Motion unanimously carried.

Agenda Item # 3 – Committee Reports

There were no Committee Reports.

Agenda Item # 5 – Director’s Report

Kevin Myatt, Planning Director, told the Commission Members of a KAPA Fall Conference at Land Between the Lakes on September 23–25, 2021 and that for those not able to attend, KAPA may offer them online after the Conference is over.

II. PUBLIC HEARING:

1. 092021-01-B – Cellular Antenna Tower Application – Consideration of Uniform Application to construct a Cellular Antenna Tower at 8815 Finney Road – Barren County – New Cingular Wireless PCS, LLC, Applicant.

Chairman Gumm opened the hearing and referenced KRS 100.985 – 100.987.

A public hearing was conducted.

Chairman Gumm served as the hearing officer and asked Charles Goodman, the Planning Commission attorney if any documents had been submitted for informational purposes.

Mr. Goodman responded that he had a Supplemental Findings and Proof of Notice which was submitted by the Applicant, by the Attorney on behalf of the Applicant. I would like that to be made part of the record. I also have a petition to “Stop Construction of the proposed Cellular AT&T Cell Phone Tower and/or Facility” and I would also have that made a part of the permanent record of this hearing also.

Chairman Gumm: Let the record show that those two documents have been entered into evidence.

Chairman Gumm swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and presented the Uniform Application.

Vice-Chairman Bauer swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and presented the Map Amendment.

Chairman Gumm asked if anyone present would like to speak in favor of the proposed Cellular Antenna Tower Application.

David A. Pike, Attorney, Pike Legal, 1578 44 East, Suite 6, P O Box 369, Shepherdsville, KY, spoke in favor of the Cellular Antenna Tower Application and submitted Hearing Binders to each Commission Member as evidence. He then presented a digital power-point presentation. For a full copy of the presentation, please contact the Joint City-County Planning Commission office.

David Pike, A couple of things but first of all, I would like to thank Kevin and his team for their very, very thorough review of this matter and we are obviously gratified for their unequivocal recommendation of approval that we received. That's not by accident, it is based on the fact that we take your regulations very seriously and have done everything necessary to meet all of the criteria that you have set forth. This is a somewhat unusual type of proceeding because although the Planning Commission has jurisdiction over some state cases that are out there, there is no zoning authority in the county. So, there are no objective criteria ultimately for disapproving the tower at this time, at least that's our legal approach to this and I think it's a correct conclusion and our confidentiality associated with the application voluntarily and, of course, a copy of this presentation filed today. I have a series of hearing presentation binders that I've left with you in case you want to look at some of the exhibits that we filed and associated with our application. I would request that one of those hearing binders cumulatively be included as an exhibit in this proceeding by way reference if there is no objection. So, first of all, I think we can take a quick look at our site plan and, of course, we meet all of the requirements that are set forth associated with setbacks that are listed and you've been able to achieve some extraordinary levels of setbacks in a number of these criteria. Of course, the total structure height 250' tower, 10' for the lightening register, it is interpreted as being on top of the lightening register that leaves us a 130' setback and we meet that to the north as you can see, we achieve much higher levels to the south and to the southwest, associated to the property. But again, the question that, the point to be made is, the only set of objective criteria that we have locally on your tower regulations, and we meet those requirement associated with setbacks that this commission has set forth by adopting those regulations which govern this proceeding this evening. It is very important to recognize the radio preference and search area that, that's included in the report from our licensed Radio Frequency Engineer that is part of our application materials, it's at Tab C. This is the area where the tower must be located in order to be integrated into our network and not interfere with the existing network. There is a reason why these are called, that these were once called Cellular Networks, it's because there is a series of cells that interlock with each other. It is important that coverage overlaps slightly because that way we don't drop calls as you proceed from one area of coverage to the next. It is also important, however, that it does not overlap too much, because if it does, then the system interferes with itself and isn't able to function. So, placement of towers once you have an existing network is crucial and in this instance the tower must be placed within this area and kind of jumping ahead to some of the conclusions that Kevin was talking about earlier, there are no tall structures located within that area so there are no co-location alternatives for us. Now in order to kind of show where we are in terms of signal, this is where we are currently. Now, of course, what we want to try to achieve is green, which is high quality, in building, highly reliable service and it is pitifully lacking in this area as you can see. On the other hand, if we are fortunate enough to receive your approval this evening, and since we have all other government approvals necessary for the construction of this site, this is what, this is what coverage in this area would like. And I think one thing that everybody has, of course, gotten to know during the pandemic, when a lot of us were locked up, working at home, how critical high quality in building communication services are to all of our welfares and regretfully to the economy that we seem to be evolving into. Now a radio frequency need is in Tab B in the materials I have

distributed. Of course, we always try to seek out co-locational alternatives. Frankly, the last thing we want to do is build a new tower, not only is it more expensive but that is well, although it is a pleasure to be here before you folks this evening, if we could co-locate, we would not have to do any of this. All we would do is get an electrical permit and proceed. It's that simple because co-locations can't be regulated or controlled by local Planning Commission under state statutes. It's always the path of least resistance, it's always the cheapest alternative but in this instance there are no tall structures located within the search area which effectively rules out that alternative. We, of course, also look at our Site Selection Report, talk about some of the criteria that we used in assessing our site. Again, we don't have the sort objective criteria that would be the case if we were in an area of your community that has planning and zoning in which certain zones might be preferred over others. That's simply absent legally from the playing field in connection with this proceeding. And, of course, we look for properties that would meet the one criteria that is set forth in your Regs and that is to meet setbacks. We were able to locate a piece of property that did just that as acknowledged by your staff. We provided, of course, a county tower map as required by your local regulations and also by state statutes. In this instance, there are no towers in the search area or in within 1.5 miles of the search area or as Kevin put it, roughly two (2) miles from our tower site and we can't, and we have to located within the search area which is significantly smaller than that distance. We provided you with tower and foundation designs that are stamped and sealed by a Kentucky Licensed Geotechnical Engineer and a Geotechnical Report that was used to develop those tower and foundation designs which again is stamped and sealed by a Kentucky Geotechnical Engineer. Of course, that is based on subsurface borings in order to make sure that we get the foundation design correctly, and then based on that foundation design we develop a tower design to make sure that it will be all the associated wind and ice loading requirements under both Federal and State standards. Now this is a tall structure, and nobody is denying that. I think it is, however, important that you put it in context as compared with other towers that have been reviewed and approved in this community in the past. We took a look at all of the FCC registered and constructed towers within seven (7) miles of this site. Five (5) were taller, only four (4) were shorter. Although this structure is tall, it is significantly shorter than the average. The average height of all the towers within seven (7) miles of this locations was over three hundred eighty-four feet (384') tall, that's the average. And of course, that's one hundred twenty-four feet (124') taller than our proposed tower. So, in terms of reference, it is a tall structure but it is significantly shorter than the average towers in this section of the county. Of course, we are located outside of the flood plain, as demonstrated in this exhibit and in the materials that we filed that are stamped and sealed by a registered surveyor. We made all the notice requirements and of course, we are grateful for Kevin going out and re-verifying that and, of course, we tendered tare sheets and other materials to your staff, to your staff attorney, who was kind enough to recite those at the beginning of his presentation indicating that those would be included in the record. Now, you have excellent legal representation. It is, however, I believe incumbent and upon me as council for the applicant, to talk a little bit about Federal Law and State Laws that govern this proceeding because this type of application is completely different from any other type of proceeding that this Planning Commission will undertake. There are very specific rules that associated with it and there is a specific list of items that cannot be considered by this Planning Commission in its deliberations. Based on superseded Federal Law and based

the unique State Laws that govern cell tower applications and cell tower applications only. First of all, your own zoning requirements as an example of substantial evidence. An application can only be denied based on substantial evidence, under both Federal Law and State cases interpreting that Federal Law. And, of course, your own zoning requirements are an example of that. Here, you have no zoning requirements so by definition, we need those zoning requirements. All we have is the tower ordinance and it is undisputed that we meet all those technical requirements, that already having been acknowledged by your staff in their Staff Report. It's also worth noting that the following items are not substantial evidence and cannot serve as a basis for a Cell Tower disapproval under Federal Law in the Sixth Circuit that Kentucky is part of. First of all, lay opinion cannot when opposed against expert opinion. Unsupported opinion, a classic example being here is my printout from the internet talking about an issue I'm concerned about because that is unsupportive and it cannot serve as a basis for a cell tower disapproval. Generalized expressions of concerns with aesthetics claims that a tower is unsightly, claims that a tower is ugly or unwanted near an individual's residence are not substantial evidence and cannot be considered because as stated by the Federal Court in the team of essential decision, otherwise anyone who opposes a tower in their back yard can claim it would be bad for the community and unpleasing and there would be no wireless communication service in the United States of America. So, aesthetics is off, is off the table and is something that can effectively be considered by the Commission under Federal Law and under the State Laws that govern these proceedings this evening. Of course, you can't take actions which have the effective prohibitive that providing wireless service or discriminating and a service staff under Federal Law exists once we provide evidence of it and we have from our licensed Radio Frequency Engineer. Now, it is also worth noting that under both KRS 100.986 and the Federal Telecommunications Act that issues associated with supposed radio frequency exposure health effects cannot be considered in this proceedings, and I will not respond to questions or issues associated with it because I believe it is a violation of Federal Law for it to be considered. But again, your own council is in the best position to provide you with information and the view associated with that and, of course, you should listen to your own attorneys advise in such matters. Of course, we have done our best to all or your requirements that we checked off neatly on this slide and on this one. You are familiar with all those because you are familiar with your own tower ordinance and your staff has indicated that we meet the requirements associated with all of your tower ordinance sections. Now, a couple of other things, we also have already received approval from the Federal Aviation Administration and the Kentucky Airport Zoning Commission. We also have had a full NEPA or National Environmental Policy Act approval that includes both above surface and below surface approvals from the State Historic Preservation Officer indicating, based on their findings this will have no adverse effect on any historic resources in the community. In the event you would like me to file any of those supplemental approvals, I have copies with me and would be glad to do so. Now, of course, one of the other reasons that these facilities are different from other types of zoning applications is that we are a licensed public utility in the Commonwealth of Kentucky. We are not just another business enterprise; we are charged with responsibility under our SCC license to provide ever improving qualities of service at lower prices demonstrating the best of technologic innovation and we like to think at AT&T that we exemplify those criteria. We are in the home stretch now. Thank you

for hanging in there. For just a second, let's kind of pause and look at some statistics that I think are worth looking at. The first one is that approximately 70% of all 911 calls in this country are made from a wireless phone. 70%. Now, let's take a look at the National Health Interview Study which is Tab I that I distributed in the binder. This is an annual study that is conducted by federal agencies, and it is the definitive study nationally on how people communicate and it is done by health agencies. You might ask yourself why would the CBC, the National Institute of Health, and agencies like that be doing studies on how people make phone calls. Well, the reason is that much of their information has to come from randomized studies and they have to know that when they are calling trying to get health data that will become a cross section for the country for them to base decision on, that it's truly randomized. Now over a period of time, I've watched these statistics climb every year. We are a year out of date at this point but, of course, that is largely a function of COVID. But now we are at a point where that over 65% of all adults live in households with only wireless phones. 65%. Over 75% of all children are growing up in household exactly like that. We have all had the experience during COVID lockdown time periods of what it is like to have an inadequate wireless service. Now it isn't just a matter of convenience because when you take those statistics and you put them back with the 70% of all the emergency calls, you see why it is so vital that that map I showed you earlier that the radio propagation maps be green. It's because these systems need to work first time, every time because the vast majority of Americans, it's not a choice of this or a land line, it's this. And every single year, it's not a question of lower growth, there are fewer land line phones in this country as we simply give up the technology. This is what substitutes and in order for this system to work, if there are no co-location alternatives, we have to build a new tower in order to provide that service. There simply are no technological alternatives. Thought I would provide you some interesting information here that talks about the tremendous growth and the need for wireless services. I dare say when these numbers are re-cast this year after the last year of COVID, these numbers may well be doubled placing on us ever increasing demands to provide and passing necessary to meet the wireless communications needs of America. Now, another thing I'd like to mention because this may be the first time you have heard it or members of the audience have, is that this system will be, that this tower from day one will be deployed with FirstNet Coverage. Many of you probably after 911 terrorist attacks read the Presidential Commission Report that came out in the big paperback book. It was a commission that was bipartisan developed after 911 to study several key issues. One of them was, "What Could Be Done to Prevent Attacks In The Future". The other one was "If There Are Attacks in The Future, What Can We Do To Better Respond To Those Emergencies". Well all the way back in 2001, we recognized and one of those recommendations was to develop a unified communication system for First Responders and Key Government Personnel because one of the difficulties that we encountered after 911 was people were trying to make critical phone calls but couldn't get through because everyone in America was on their phone trying to call their loved ones to find out if they were alright and that overloaded the network. Well, it's taken this long, about two (2) years ago, the U S Government finally settled on a standard and AT&T was selected as the national carrier to do it and Kentucky has opted into that system. So, under this system we are now in a position to be able either for our county, individual cell site, group of cell sites, a city, a state, or the entire country to be able to with the flick of a switch be able to reserve capacity for

registered emergency users in the system. So, if there is an emergency we can make sure that they always have access to the wireless capacity that they need, just like that. And one of the beauties of this is, it doesn't require communities to buy more radio equipment, it just requires you to have a cell phone. Now, a copy my presentation is included in Tab K of the hearing binders that I previously submitted as an exhibit. I want to thank you for your patience this evening. These are challenging cases; they are different from other types of cases that you consider. But these are absolutely vital cases because it isn't just a question of what someone wants in their backyard or not. Of course, what we learned legally, it's not a question of whether you like how it looks because aesthetics aren't a basis for this decision. This is vital to the people of this community. We can't provide the service without the tower, there are no co-location alternatives. We've provided an extensive expert documentation from a host of engineers and from experts in their field and our application materials and that's the reason, I believe, that your staff recommended approval. Again, I appreciate your consideration. If there are any questions, I'll try to answer them. We hope that we'll receive your unanimous decision this evening.

After Mr. Pike's presentation, he introduced all the filings previously tendered as part of the application process and wanted to file cumulatively the Hearing Binder that was submitted as an Exhibit in this proceeding as well.

Chairman Gumm asked if anyone had questions of Mr. Pike or to speak on behalf of the Cellular Tower Application.

Chairman Gumm asked if anyone present would like to speak in opposition of the proposed Zone Change.

Dixie Nunnally, 198 Oil Well Road, Glasgow, KY and Douglas Hawks, 8969 Finney Road, Glasgow, KY, spoke and stated that we are here representing our parents. We do have their legal Power of Attorney. I am requesting that any comments and concerns that we list tonight are made part of the minutes of this meeting. I don't have Power Point like Mr. Pike did. I just here to represent my parents who are 94 years of age, they are in declining health. They have lived at this location for 72+ years. I'd like to ask Mr. Pike if during his Geotechnical investigation, was there an indication of a water line being located.

Mr. Pike: Mr. Chairman, I'm in a position to comment on this issue on a comprehensive basis once the speaker is done speaking.

Goodman: We will address that when you are through.

Nunnally: Ok. I would also like to request that my parents not be contacted due to their age and declining health, their mental capacity is declining as well as their physical health and that any correspondence or contact be made to myself, my brother or both of us. In regard to the first question, I asked regarding the water line, I do know that during the Geotechnical Investigation

that the water line was damaged. It was repaired. I would like to know what the future plans of that water line is, is it going to be relocated. I don't want any undue stress put on my parents dealing with the construction of this cell tower. The only access to my parent's property is down this lane, they've maintained it for 72+ years that they've lived there. Who is going to maintain that driveway now for then? My main concern is the welfare of my parents, the safety and welfare of my parents. I understand that the Commission is tasked with protecting the safety, the welfare of the public so that is what I'm wanting to be ensured. I think my brother has some additional questions, so I'll let him speak.

Hawks: I made a phone call after signs were put about the tower to the law firm this gentleman represents. I talked to a young lady, very nice and I received a call back from one of the lawyers of this firm. I asked about the water line being drilled through, I was told they had not seen the report. Several weeks later, I received a call from a lady named Annie and I think, I'm not a 100% sure, that she represented the construction company and I asked her the same thing. Everyone says "we've not seen a report" that this private water line is on this property and when all this property changed hands, all the easements were announced and included in all the property transferred. Then the lady had a gentleman that was a construction foreman for the cell tower to call me. I asked him the same question. Nobody had seen the geological full report that the water line was hit, that even the water existed. That is my main concern along with the road being kept repaired and open. That's all.

Chairman Gumm asked if anyone else had questions.

Deborah & Michael Kramer, 8440 Finney Road, Glasgow, KY approached the Commission and said we sought out Kentucky.

D. Kramer: We were looking specifically for an area that no cell phone towers. I am paper sensitive to MS, I don't have a microwave and don't know anything about CS. We were in from church one day, we stopped. My husband had passed these signs that Walter had put out but we could not read it from the road so I got out to use my phone and I could even with the full exposure. So, Michael went back and trespassed, he parked in the driveway, walked over and he took a picture so we could read all the details and then we started calling our new neighbors. We've only been there five (5) months, and nobody knew, everybody had passed the sign but they didn't know what it said. But then somebody did place a second sign with large letters in red "Radar Antenna" and so being who we are, we decided to go out and speak to our neighbors, which we did. Early, a few, and then we did get the packet and we saw these handful of people who had received registered letters and we decided put together the petition and a lot of the people that we spoke with, none of them knew that, is it out here. This is not an industrial area and we explained that AT&T Singular did not have the coverage they thought they needed. Now, our realtor said "oh, that would be great" but I said, "would you like that next to you" and she said "No." So, we called some real estate companies and...

M. Kramer: I'm going to add some other items to what Deborah said. But the sign that was posted by the road, it's 30' off the road and the letters and many of the people that we stopped to get the petition signed did not see that sign. So three (3) weeks later until I pointed out them because it was the other sign before we really saw it, we drove by saw what it said, because we were just new to the area and then I called Kevin Myatt and he said on September 1st he would be sending out registered letters and the sign at that point. We had to go out of town for seven (7) days at that point so we didn't get back and start having the petition signed till last month and I don't know how many names and numbers we have but all are not in a position to sign, one person that kind of didn't care, he said something. To me it was a short notice because the sign was not clear and forthright, close enough to the road. I'm sure that regulations that require they have to be seen from the street or thereabouts. And we were going to talk about the relationship of the historic house, but I guess that is covered by the FCC regulations. The tower is inconsistent with the rural area, the farms. It is more of an industrial fixture, should be in a commercial or industrial area.

D. Kramer: We are located on the flood plains that show that two (2) portions of that lake come up to where the tower is going to be. So, in reading the documents, the white house, the Finney original house, 2 story, 1800's, everybody knows that house because the columns, so that is what we used to. It's about 800' in back of that house, it's 1,000' from the lake.

M. Kramer: There are concerns about that being in relationship to the lake and the house. Also, the, looking at the first, maybe not the first slide but the one that showed the cross section of the tower. It showed there were going to be three (3) additional units location in together and so concern that I have and people have was the RFs, and I know we are not supposed to talk about RFs either, that's already been covered here but RFs, every time the panels go on, they increase. Right now, they meet the criteria, the FCC RF but as time goes on and the panels get closer to the ground and they increase in number, the RFs will increase. Also, on the site plan it shows there are additional pads for a generator and other cell phone providers to come in and put their panels on. I know the attorney talked about interference with other cell phone providers, but it seems they are putting it on the same tower. And which is going to increase, like I said, the number of RFs equipment and also there is going to be generators for when the electric goes off and what is the decibel on the generators, they both will be running at the same time when the power is out for everyone else.

D. Kramer: What about the light on top of the tower?

M. Kramer: That would be, is that going to be a white, high intensity spread or is it going to be a regular 24 hours a day? These are all concerns. We have a

D. Kramer: I was going to say. We have had some sporadic... We have not had a problem with coverage. I'm sorry, I wonder how our service is being picked up and why AT&T Singular can't co-op with that tower.

M. Kramer: And that brings us to concerns about clustering the powers as per the drawing, photograph showing all the towers around Glasgow area. We see that there is a tower, there two (2) or three (3) clustered amongst these, they all stick together so there is no problem with interference with the towers being close to each other because they are different frequencies. So that's a concern we have is that once that tower goes in and that gets filled up with additional panels, antennas on it, are they going to start allowing another tower to put on the property or adjacent properties until this becomes more of a commercial/industrial area.

D. Kramer: I believe that is called legal trespassing.

M. Kramer: So, we have a suggestion for this situation. Looking at the first one, the slide that came up...

Mr. Myatt: I can put that up for you.

M. Kramer: So, there is a two (2) mile radius around there, now that's what is stated there, in their....

D. Kramer: ...their AT&T

M. Kramer: in the RF supplement. So, it says they start out at a two (2) mile radius but you can see the one that is 2.1 is right up against the Corp of Engineers towers. And that would be our suggestion to move this tower to an industrial area which is the Corp of Engineers at the dam, there is an existing tower head, it's a small tower which can be replaced by this 260' tower and then the Corp can be, can put theirs on and there is a provision then, the FCC Communications Act of 1996 that the tower setting policies allowing Federal land be made available for the construction of these towers in Section 704, I can go back to Federal agencies and departments will work directly (inaudible), finally Section 704 declares the Federal Government take steps to help license these spectrum day services such as PSCS and cellular give access to preferred cells for the (inaudible) facilities. Federal Agencies and departments will work directly with the licensing to make Federal property available for this purpose. So, they start out with a two (2) mile radius and then all of a sudden it dwindles down to a third (1/3) mile radius. So, I would ask the board to stop the construction at this time and have them reconsider and try to get the approval from the court based on this regulation they are supposed to give preferred people. It sounds like preferred treatment for many other things.

D. Kramer: One last thing. We are aware that the landowner that uses the property to AT&T Singular Tower and Facility that's more famous (inaudible) from the antenna and the, I'm not sure what to call them, but anyway they are worth a lot of money. They are leasing the tower and AT&T (inaudible) gets money through them and the landowner (inaudible). What we suggest as an alternative is at the Army Corp of Engineers which is right before the dam, it's in Barren County, and the first several months payments to be for that tower being on the Corp of Engineers property could be used to protect the office building with a steel roof, steel siding and

there are special windows that have grids, no grids throughout to protect employees of the Army Corp. They would be there in the daytime; they are not there on weekends and they are not there in the evenings. Then after that is accomplished, the monthly residual income could be used for the volunteer community fire and events, and rescue companies that are always asking for donations in order to serve us. They have to pay for their own heavy coats, helmets, boots and pants for their fire companies and goodness knows what the rescue service has to do. So, we are just saying if this tower is going to be put in our community, why shouldn't the community benefit. There is an existing tower, the FCC rules states that where is Federal land, and there is Federal land, so please look into that, we ask you.

M. Kramer: I did miss one question. A couple pointed out the proposed towers so it's going to have generators and I didn't see a fuel source for that generator. That generator in the (inaudible) numbers. So, I curious as to where the fuel is going to come from to start these generators up and keep them running when it fires up. And also, so, and then we make the Fox report, you see very many and I have actually written some things down as I have (inaudible) construction for theses project managers supervision for many years in the DC area. And I was going to ask going into construction, what this would go in, if approved. If that thing is there, is it going to block the right of way. Going back to the fact that Mr. Hawks is ill, now has tradition blocking his drive to allow EMS people to get in. Accidents are going to happen at (inaudible) breakdown. Is there no construction there? And is the right of way going to be upgraded, will there be multiple 18-wheelers on creek rocks going up that lane and should be increased. And if he does them, they claim the will review for the (inaudible) of the decision, it's time to (inaudible). These are the concerns of the community here.

D. Kramer: Tell them about the petition.

M. Kramer: That is the on the property here and (inaudible). The only utility that goes back to that individual person's house because this is big business and not a New York program and this is taking over and the problems this family had when they, when the GEO (inaudible) (inaudible), now that is what happens on this construction site. Nobody knows anything. They need to have a supervisor out there every minute (inaudible). And his number posted where you can see it. Be responsible. Just hope that you would be considerate.

Chairman Gumm: Anyone else that would like to speak in opposition. Please state your name and address.

Gary Koon, 360 Fant Road, Glasgow, KY, I live at 360 Fant Road. The lawyer's office said the official notice, approximately 2 weeks ago. Now I didn't sign for it, it didn't have my name on it. Last week I seemed to notice the City County Planning Court did not have any signs up, so I walked (inaudible), first of all. The second thing is, is anybody on the Planning Board on the staff? Third, verified anything this man has said. That's a question. Lawyers have this reputation of not being able to tell the truth. So, I think it needs to be verified. The next thing, you notice I got (inaudible), is that correct. The map. It shows my house on one end almost away from this

cell tower. My house points this way, the cell tower is this way, so I think somebody (inaudible). That's the first misinformation. The second is misinformation is that they will, and their staff or Planning Board members had told people that they had no control of this and no control over the County because of no zoning. That's not true, that's not true at all. I didn't take a six foot (6') right of way of my property to be able to subdivide it. That's control. AT&T at first, I understand, inquired about my farm before they inquired about this place. I use this farm, I donated it to Western. They wouldn't let a tower be put on that property. I wouldn't let them put it on my property either. You wouldn't, the candidates, like all candidates, already paid back taxes. What kind of taxes are going to be on this? OK. Of course, he put you (inaudible) taxes, 100' to 500' from this tower. Go out the front door, look at it. There is a blinking light up there at night, only (inaudible). This is a travesty, only an expert can justify a section because of the value of the property. Not because of this thing. I would like to stay, but apparently you people have got your mind made up which is cruel text so I'll (inaudible). You need to verify what he said.

Chairman Gumm: Anyone else would like to speak? Mr. Pike, will you ...

Mr. Goodman: Would you care to make a response?

Pike: I would. That's alright. There are several issues. First, let me start with the concern that Mr. Hawks regarding the water lines. It is my understanding that, of course, that someone had actually already agreed to relocated this water line but I am fully authorized here this evening, to indicate that this part of our construction that we will relocate that water line in order to eliminate the potential for lines damaged in the future and that will be done solely at our expense and so I don't have any problem with that being a condition of this motion this evening and we will be glad to follow through with that. I thought that was understood previously but if it wasn't, it is now. So, we will be glad to address that. Now, a number of the issues that have been raised here tonight underscore reasons why the State and Federal Laws are exactly the way they are in regarding what can and what cannot be considered by the Planning Commission. Again, of course, you should turn here to your own Legal Counsel. There are a few things that I want to reiterate briefly. The first one is that the lay testimony cannot serve (inaudible) a cell tower dispute and especially the case when it comes to definity areas such as aesthetics, appearance of a tower, and also radio frequency emission issues. In terms of notice in that, your own staff have verified it with their own photographs, we submitted our own photographs. Also, we provide, we have submitted proof of documentation that was sent out. There was no question that it meets all the statutory standards. I would also note as an additional aside which I think your attorney would properly vouch for, the leading case on this is Minton vs Fiscal Court of Jefferson County, E 50 SW Second, Page 52 and in any case that any objections regarding notice are automatically waived by appearance at the hearing by first making those objections. I think it's also (inaudible) work noted at this point, that in fact, absolutely this tower is engineered for additional carriers, that's required by your regulations, its good practice, it's what co-location is all about and that is why no one else can locate a new tower next to this one until the co-location potential associated with this one has been exhausted. And, of course, it includes generators

because that is now backup power is now required by the Federal Government. That was one of the great blessings of Hurricane Katrina that we learned with new Federal regulations to back it up. You know, those diesel generators would utilize diesel fuel and that is already approved and the NEPA Report now says it's already been completed for this summer. Lighting for the tower is, of course, not part of the jurisdiction of this Planning Commission, that's strictly governed by the Federal Aviation Administration. I think I also kind need to make sure that I've been clear, the distances that we were talking about whether its 2 miles or some other distance to the next available towers, that just a distance to the towers. In order for us to generate this in our network, we have to locate this within the search area that we listed. That's a matter of expert network in a fee and verified as a part of this application. Now, our coverage where it extends well out beyond that, but it can't extend so far that it begins to overlap other available sites. So ultimately whether there is a tower 2 miles away or not is irrelevant, the question here is whether there is a tower in the designated search area that has been established and answer is NO. There are no tall structures of any type within the area. I'm sensitive to the fact that people may not want the tower in their area, this is a public utility. We are a communication systems now and people in rural areas deserve that high quality communications. We can only provide it in the sense of the construction of the tower in the search area. In the absence of zoning regulations, this is the optimum location, and it meets your regulatory requirements. I appreciate your time.

Chairman Gumm: I have one other questions sir.

Mr. Pike: Sure.

Chairman Gumm: What provisions will be made for the maintenance for the access road?

Mr. Pike: Well first of all, we are obligated like any other user to provide maintenance of it, and we have a bigger stake, we have just as big a stake in that now as anyone has associated with this private roadway because we will be using it. Certainly, there will be heavy equipment that will be utilized. Of course, we will not block the roadway, it's not the business we are in. It would be illegal for us to do so. But all that, again, during the construction phase for towers like this are very short, just a matter of a few weeks. After that is done this will be the lowest trip generator on that road. Our average number of vehicles in and out once construction is completed, will be about once or twice a month.

Chairman Gumm: So you are stating that any damage to the road during construction would be your responsibility?

Mr. Pike: Of course.

Chairman Gumm: to repair then.

Mr. Pike: Absolutely.

Chairman Gumm: Thank you. Kevin did you have something.

Mr. Myatt: One thing, just to clarify, the mapping that you see from the staff standpoint and the notifications that we are required to do by State statutes is all adjacent property owners. If your property touches this property, even across the road, we are required by law to send you a certified mail, notice of this hearing. That's what we follow. Your property, if you feel like it may be far away, if it still touches this property, or instances where it may be a little bit undecided on how this property touches it, we go above and beyond and send it out anyways. The mapping that is provided, the property lines, they are approximate, they are drawn by the PVA office. Not a lot of planning commissions have access or individuals have access to kind of data. There is not a lot PVA offices that draw their parcels but have all them available to their citizens. We do. There are not precise, as I said before, they are approximate. The structures that are shown on there are approximate, we do not draw those, we do not go out and map those. They are mapped by individuals in this county. So, all, all data that is provided by the staff is at the PVA expense as well other entities inside the county and city government is to try to provide the best information possible at the time for our citizens. Anybody can come in our office and take a look at utility lines and those type of things as well as property lines and roadways, we have that information available to anybody. It helps that individual, in the long term, to make the best choices that they can make for their property to help maximize it. Secondly, we are not allowed to regulate any land use in this county. If an individual wants to put up a new place on their property, as long as they are behind the setback line which is the only thing that Barren County, the unincorporated area of the County can enforce under this Planning Commission, so....

Chairman Gumm: I might just mention that we do have Subdivision Regulations

Mr. Myatt: Absolutely, so these regulations have been around since 1978

Chairman Gumm: Which is totally different from zoning.

Mr. Myatt: Zoning, it takes the land use of the property, whether you put a duplex on there, a gun range on there, a cell tower, you put a silo, or whatever you put on there, the use of the property cannot be regulated by this entity here nor any entity in this county. If you subdivide your property, that's not a use, that's a subdivision of property which is regulated by this board.

Mr. Goodman: And that's where access requirements come in.

Mr. Myatt: Yes sir.

Chairman Gumm: Anyone else would like to speak to the commission?

Commission Member Eddie Atnip: Mr. Chairman.

Chairman Gumm: Yes sir.

Member Atnip: Mr. Chairman, I have a question for Mr. Pike.

Mr. Pike: Yes sir.

Member Atnip: Mr. Pike, I'm sorry I had no audio feed from you but would tell me how many collate positions will be open to this tower after this construction?

Mr. Pike: There will be a total of four (4). We will use one of them, that leaves three (3) additional carriers that can have now, that can co-locate on this structure.

Member Atnip: Thank you and we'll mush along.

Chairman Gumm: Any further questions?

Mr. Goodman: Open it up for any further comments

Chairman Gumm: I thought that's what I was doing.....

Mr. Goodman: It didn't make it clear to me, so...

Chairman Gumm: Please come back to the mike.

Mr. Kramer: Would it be any possibility of looking at the other site, the Corp property to rent?

Mr. Goodman: Mr. Pike, he is asking if you wish to respond to the possibility of locating on the Corp property.

Mr. Pike: Mr. Chairman, I don't want to get into a debate here. Maybe this is kind of an asked answer, I've made it clear the tower has to be constructed within the search area. And the search area doesn't extend that far. The search area is, of course, not only the Power Point I did but in the expert Radio Frequency Engineer Design Study that was submitted as part of our application so that is not a favorable option. It is far too far away, miles away. And that's the last thing I have to say on this topic.

M. Kramer: I would just like to say, please listen when you verify that information because it's just a human being putting those coordinates in the computer, that can be changed. What if that coordinate (inaudible, no. There are specific things, I (inaudible) elevation and it did certain coordinates in that (inaudible) behind the Corp is within 15 – 20 feet of what this tower is. So has nothing to do with elevation and it continues those coordinates and I'm sure they get the same

coverage with that. I like them to be considerate and check that out, that other option out. Thank you.

Chairman Gumm: Anyone else? If not, at this time, I would..... yes sir.

Mr. Koon: Since they have effectively, (inaudible) a lie, I will be glad to submit my signature (inaudible). They say I signed for it, (inaudible). He said everything was proper and valid. It's not (inaudible).

Chairman Gumm asked for any other comment either on behalf or against the Cellular Antenna Tower Application.

There being no further questions, Chairman Gumm closed the public hearing.

A motion was made by Forrest Wise and seconded by David Jessie to approve the Uniform Application to Construct a Cellular Antenna Tower at 8815 Finney Road, New Cingular Wireless PCS, LLC, Applicant because the proposed request is in agreement with the Statutes of KRS 100.985 through 100.987 for the placement of a Cellular Antenna Tower and with the stipulation that the relocation of the existing water line be at the expense of AT&T. Motion unanimously carried.

2. 092021-01-G – Annexation and Zone Change Application – Span Tech, LLC,
*Owner/Applicant – Annex/I-1 (Light Industrial District) – Property is located at 647
Roseville Road – 0.33 +/- Total Acres – Glasgow*

Janis Turner recused herself due to a conflict of interest and left the room.

A public hearing was conducted.

Chairman Gumm served as the hearing officer and swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and presented the Annexation and Map Amendment.

Chairman Gumm asked if anyone present would like to speak in favor of the proposed Map Amendment.

No one present addressed the Commission.

Chairman Gumm asked if anyone present would like to speak in opposition of the proposed Map Amendment.

No one present addressed the Commission.

Chairman Gumm closed the public hearing.

A motion was made by Ricky Houchens and seconded by Joe Austin to approve the proposed Annexation and Map Amendment for Span Tech, LLC, Applicant, because the proposed annexation and map amendment is in agreement with the adopted Comprehensive Plan. Motion unanimously carried.

Janis Turner returned to the meeting.

3. 092021-02-G- Annexation and Zone Change Application – *Jordan and Amanda Saltsman, Owner/Applicant – Annex/I-2 (Heavy Industrial District) to B02 (General Business District) – Property is located at 3014 New Bowling Green Road – 1.96 +/- Total Acres – Glasgow*

A public hearing was conducted.

Chairman Gumm served as the hearing officer and swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and presented the Annexation and Map Amendment.

Chairman Gumm asked if anyone present would like to speak in favor of the proposed Map Amendment.

No one present addressed the Commission.

Chairman Gumm asked if anyone present would like to speak in opposition of the proposed Map Amendment.

No one present addressed the Commission.

Chairman Gumm closed the public hearing.

A motion was made by Janis Turner and seconded by Joe Austin to approve the Proposed Annexation and Zone Change for Jordan and Amanda Saltsman for property located at 3014 New Bowling Green Road because the proposed map amendment is in agreement with the adopted Comprehensive Plan and the Facts and Findings. Motion unanimously carried.

4. 092021-03-G Annexation and Zone Change Application – *Geoffrey and Sandra Compton, Owner/Applicant - Annex to R-1 (Low Density Residential District) – Property is located at 3216 New Bowling Green Road – 0.28 +/- Total Acres – Glasgow*

A public hearing was conducted.

Chairman Gumm served as the hearing officer and swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and presented the Annexation and Map Amendment.

Chairman Gumm asked if anyone present would like to speak in favor of the proposed Map Amendment.

No one present addressed the Commission.

Chairman Gumm asked if anyone present would like to speak in opposition of the proposed Map Amendment.

No one present addressed the Commission.

Chairman Gumm closed the public hearing.

A motion was made by Forrest Wise and seconded by Janis Turner to approve the Proposed Annexation and Zone Change for Geoffrey and Sandra Compton, Owner/Applicant for Property is located at 3216 New Bowling Green Road because the proposed map amendment is in agreement with the adopted Comprehensive Plan. Motion unanimously carried.

5. 092021-04-G – Annexation and Zone Application – Barren County Economic Authority (BCEA), Owner/Applicant – Annex to I-2 (Heavy Industrial District) – Property located at 249 South Cooper Road – 151.912 +/- Total Acres – Glasgow

A public hearing was conducted.

Chairman Gumm served as the hearing officer and swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and presented the Annexation and Map Amendment.

Chairman Gumm asked if anyone present would like to speak in favor of the proposed Map Amendment.

Maureen Carpenter was sworn in by Chairman Gumm and spoke in favor of the Annexation and Zone Change.

Chairman Gumm asked if anyone present would like to speak in opposition of the proposed Map Amendment.

Russell Austin, 3523 Bowling Green Road, Glasgow, KY was sworn in by Chairman Gumm and Mr. Austin expressed his concerns for the project of the BCEA as follows: Are they

planning on using Cooper Road? It is a chip and seal road and will not hold up under semi traffic. If they come out on 68-80, how are they going to come out because the state requires a 60' right of way and 500' side each way. Are you going that anyway whether it joins 68-80. Because there is a hill there that has plenty of land or something. And the third question, to look at the picture. If you go down that yellow line. Come down to that corner. A little ways up from that corner is a sink hole. If it rains out here, all this is qualifying is wet land, don't go back there in the winter time cause you'll be there when Spring comes. It is very wet, there used to be a pond back there, right close to that corner. Mr. Cary owned the farm, was the original owner and he kept a ditch cleaned out from the pond to the sink hole which goes in the ground out the spring. The spring is over on that property but it comes out on our property. I just want to question, are they going to fix the drainage back there or they going to dump all the water on us or what are they going to do. Cause if it's a big rain, it just gushes out of the spring. And they bought the flat roads, (inaudible) these roads, Myatt said he couldn't take a picture of one of the property for the fear of getting run over, I mean if he come that close to getting run over, (inaudible) our driveway before. Are they going to make turning lanes or do you have a picture of the future, the future plan, the finished plan. Do you have a picture of that so people will know what they will be facing out there, are you going to have to buy right of ways, widen the road which can be taken care of with that property there, the City. I've been told that the City has already taken the right of way of the road. That corner right up there with the green spot on it, that's the corner of my driveway, the property line goes to the corner of my driveway, so is it going to affect my driveway any or what. There is a lot of traffic on that road, it's dangerous, it really is. A lot of speeders and everything. I'm just want to know if somebody here, Mr. Hale or Ms. Carpenter could answer those questions.

Mrs. Carpenter responded in reference to Cooper Road, that the plans are not to use Cooper Road but if it is used, the City would have to upgrade that road. As for turning lanes, the plans are to add two(2) turning lanes on Highway 68-80. As for drainage, there are no plans at the present to use the back side of the property so drainage should not be an issue but if there should be an issue it would be addressed.

Mr. Austin had one more question. The property that joins me, the field next to the house is a lot lower than the rest of the property and you have plans to develop it too.

Mrs. Carpenter responded, yes, so we worked with our engineers to what the grading is for the entire park. All areas of the park are taken into consideration for drainage issues.

Mr. Myatt stated that the State Law requires that a developed piece of property, you are not allowed to put more water on adjacent property than what was previously there. So, this is, basically for this area, for rain falls, grass and soils soak it up and whatever. The owner of the property, their engineers, are required to engineer that with several retaining basins that's going to catch all that water and release it out.

Chairman Gumm asked if anyone else in the audience would like to speak .

John Sawyer, 845 S. Cooper Road, Glasgow, KY was sworn in by Chairman Gumm.

Mr. Sawyer owns property directly behind the proposed park. He had concerns about water drainage. He purchased his farm for recreational purposes. He had concerns about being annexed into the City. And concerns about an increase of his property taxes.

Mr. Myatt told Mr. Sawyer that his property was not being annexed into the City limits of Glasgow and that his taxes should remain the same.

Chairman Gumm closed the hearing.

A motion was made by David Rutherford and seconded by Janis Turner to approve the Proposed Annexation and Zone Change for Barren County Economic Authority (BCEA), Owner/Applicant, for property located at 249 South Cooper Road and containing 151.912 +/- Total Acres because the proposed map amendment is in agreement with the adopted Comprehensive Plan. Motion unanimously carried.

6. 092021-01-C – Annexation and Zone Change Application – Charles and Deborah Brand, Owner/Applicant – Annex to B-2 (General Business District) – Property is located at 620 North Dixie Highway – 6.05 +/- Total Acres – Cave City

A public hearing was conducted.

Chairman Gumm served as the hearing officer and swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and presented the Annexation and Map Amendment.

Chairman Gumm asked if anyone present would like to speak in favor of the proposed Map Amendment.

No one present addressed the Commission.

Chairman Gumm asked if anyone present would like to speak in opposition of the proposed Map Amendment.

Tina Vincent, 166 Ann Claire Lane, Glasgow, KY asked about the same binding elements as before, for the zone change on the property that was in the city limits, be implemented onto the remainder of the property being annexed.

Mr. Myatt stated that this would be done and also a proposal that no access can occur onto Northside Estates from this property.

Chairman Gumm closed the public hearing.

The binding elements were stated as follows: The Zone change for the property currently in the Cave City, City Limits from R-1 to B-2 (granted March 15, 2021) had a binding element stating that a double sided 7; (seven) foot tall fence be constructed along the entirety of the property line on the west side of the development, and that no access is to take place onto Northside Estates.

A motion was made by Forrest Wise and seconded by David Jessie to approve the Proposed Annexation and Zone Change for Charles and Deborah Brand, Owner/Applicant, for the property located at 620 North Dixie Highway and contains 6.05 +/- Total Acres because the proposed map amendment is in agreement with the adopted Comprehensive Plan. Motion unanimously carried.

Agenda Item # 4 - Treasurer's Report

Janis Turner, Treasurer, presented the Treasurer's Reports for July and August, 2021.

The bank balance as of July 31, 2021, was \$31,045.49. Deposits in the amount of \$3,430.00 were received from Barren County and \$1,315.00 from the City of Glasgow in the month of July 2021.

The bank balance as of August 31, 2021, was \$56,665.69. Deposits in the amount of \$2,380.00 were received from Barren County and \$1,315.00 from the City of Glasgow in the month of August 2021. The Treasurer's Report was filed as presented.

Ms. Turner reported that a CD in the amount of \$73,425.40 will mature on October 24th. We will need to take out approximately \$5,000.00 for the purchase of a truck plus \$469.00, the cost of a printer. The truck cost \$22,754.00 for the truck itself. We will also need to purchase a toolbox and some decals for the truck.

A motion was made by Forrest Wise and seconded by Joan Norris to place the remainder of the CD in a Limited Edition Savings Account at Limestone Bank. Motion unanimously carried.

There being no further business to come before the Commission, upon the motion of Candy Wethington, seconded by Janis Turner, and unanimously carried, the meeting was adjourned at 9:34 PM.

JOINT CITY-COUNTY PLANNING COMMISSION
OF
BARREN COUNTY, KENTUCKY

By: _____
Tommy Gumm, Chairman

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September 20, 2021

ATTEST:

Janis Turner, Secretary-Treasurer