

BENTON-PARISH BOARD OF ADJUSTMENTS

MINUTES

Thursday, March 17, 2016 – 7:00 P.M.
Town Council Chambers – Benton Town Hall
105 Sibley Street, Benton, Louisiana

MEMBERS PRESENT

Doyle Adams
Fred Rankin
Michael Acurio
Nancy Penwell
Scott Alexander

MEMBERS ABSENT

Jim Morris

OTHERS PRESENT

Sam Marsiglia
Carlotta Askew- Brown
Neil Erwin
Hart Mason
Kenneth Edwards
Jeanette Horning
Thomas Elbert

Fred Rankin, Chairman, called the meeting to order.

(A) Carlotta Askew-Brown Assistant-Director called the roll and stated a quorum was present.

(B) Special Exception Use

1. The application of Verizon Wireless to request Special Exception Use to place a 256' Telecommunication Tower on a tract of land located at 5313 Linton Cutoff Rd. Benton, LA.

The applicant Hart Mason, representing Verizon Wireless was present to answer any questions.

Mr. Mason thanked the planning staff for all of their help.

Mr. Mason stated that he submitted an engineer's letter and that if winds exceeded what it's rated for, it would then fold inward at its weakest point. There is also a co-location letter that would allow additional carriers to co-locate. He stated that the location for the tower was market driven. He also stated that cell-towers could save lives.

Mr. Mason stated that the property owner at this time is not interested in moving the tower. One of the reasons Verizon picked this tract of land is because it's a larger piece of property and that the property owner was cooperative. He also stated that the information he received tonight needs to be taken back to the engineers for review. They planned for the site to be elevated 10 feet but didn't know if it would be enough considering the flooding. He stated that the cell tower wouldn't be elevated and that the legs and piers just have the grounding and would not be affected by flooding.

Mr. Rankin asked why the cell tower is so much taller than other towers in the area and if it was because the land area is lower.

Mr. Mason stated that it's all based on the RF Engineer's Propagation. They know what they need to cover, how far it needs to propagate out, and they know what technologies will be used on the tower. The height was based primarily on the RF Analysis.

Mr. Alexander asked what was the minimum height required to do the job.

Mrs. Askew-Brown stated that Doyle Adams, Chairman is present.

Mrs. Askew-Brown stated that the tower is 250' tall and that the lighting rod is 6' feet tall.

Mr. Mason stated that sometimes they give a range.

Mr. Alexander stated that he spoke with the Police Juror Wanda Bennett and she was also curious about the height.

Mr. Mason stated that they went with the optimum height of 250 feet but that the minimum height is 200 feet. He also stated that the taller the tower, the less of a need to add additional towers in the future and that more tenants can co-locate.

Mr. Alexander stated that everyone has a cell-phone and that he is thankful that Verizon wants to locate in the area. He stated that he lives in the area and that he has concerns about the water and if a soil study had been done.

Mr. Alexander asked if it would be wise to build a tower under water. He also stated that the road has collapsed and been repaired 9 times and that the creek, with a good rain gets high, flood event or not.

Mr. Alexander stated that his concerns are from a safety perspective and that he is also concerned about erosion.

Mr. Mason stated that the soil test is done at a later time.

Mr. Rankin asked, when the soil test is done, would it determine that larger footings would be needed.

Mr. Mason stated that the engineers would take care of it or reject the site all together if it became too expensive.

Mr. Mason stated that when they selected the site, they did a site walk and they bring in all the different vendors... the construction person, the engineers, sometimes an RF person is present and a surveyor to review the site to say that it works.

Mr. Rankin stated that he could see why the property owner might have chosen the location.

Mr. Adams asked for any further questions.

Mrs. Penwell stated that she was concerned about it collapsing within 250'.

Mr. Mason stated that there is a letter from the tower company in the package.

Mr. Alexander asked if the letter was for a wind event.

Mr. Mason stated yes.

Mr. Alexander asked, what about an erosion event.

Mr. Mason stated that the piers go down 25 feet and they are reinforced by steel, rebar, and concrete. So from an erosion standpoint, there is no concern.

Mr. Rankin stated that we have approved 3 or 4 towers in the area and some concerns from citizens were the red flashing lights.

Mr. Mason stated that the FAA requires a flashing light for anything over 200 feet tall.

Mr. Adams called for additional comments.

Mr. Kenneth Edwards, a representative from the public stated that he lives at 5295 Linton Cutoff Rd. and that his daughter lives at 5297 Linton Cutoff Rd. He stated that he had concerns about the proximity of the tower to his property and his daughter's property.

Mr. Acurio asked if Mr. Mason had seen other towers that have completely fallen over.

Mr. Mason stated that he has seen one twisted up from tornados but he has never seen any that have completely fallen over.

Mr. Adams stated that the residents fear the tower completely falling over without breaking.

Mrs. Penwell asked if there is such a thing as a breakaway tower.

Mr. Mason stated that the fall letter explains how the tower is engineered but they cannot fully guarantee that it will never happen.

Mrs. Jeanette Horning, a representative from the public asked if the tower could be moved so that if it were to fall, it would fall on their property.

Mr. Mason asked if the residents would be ok if it completely fell on the owners property.

Mrs. Horning stated yes.

Mr. Alexander asked Mr. Mason if he was going to take the flooding information back to the engineers to review.

Mr. Mason said he was completely unaware of the flooding and that he would definitely take the information back to the engineers.

Mr. Adams asked for any additional comments.

Mr. Thomas Elbert, a representative from the public stated that he lives at 5237 Linton Cutoff Rd. He stated that his only concern was how close the tower would be to the street.

Mr. Adams asked why the location was chosen.

Mrs. Askew-Brown stated that the property owner specifically chose the spot on property due to timber use.

Mr. Mason stated that Verizon would have to start the process over again if the tower was moved more than 100 feet.

Mr. Horning stated one life is worth any cost.

Mrs. Askew – Brown asked for a 10 minute recess to call the property owner to inform him of possibly moving the tower.

Mr. Mason stated that he would prefer to call the property owner himself.

Mrs. Askew-Brown asked Mr. Mason if he would be opposed to delaying the case.

Mr. Mason stated no, but he wants to know specifically what the board needs.

Mr. Adams called for additional comments from the public.

Mr. Rankin stated that due to Verizon being unaware of the flooding concerns, this case should be reevaluated by the engineers. If the tower is to be moved, it should be moved so that it would not hit their home.

Mr. Mason stated that if we move it, we may have issues with the Louisiana Department of Transportation as far as sight distance is concerned.

Mr. Alexander stated that the access is actually located down the road. But if you go up the road, you could probably locate the access in an alternative location.

Mr. Mason stated that he was unsure of what the frontage is.

Mr. Marsiglia stated that it was at least 1200 feet long.

Mr. Edwards made a comment about his property line.

Mr. Adams asked if there are any other concerns that need to be addressed.

Mr. Marsiglia stated that any concerns or additional information need to be placed in a formal motion.

Mr. Alexander stated his concerns about the erosion and the flooding and asked if it is normal to build structures under water.

Mr. Rankin asked if the tower footings be suitable.

Mr. Mason stated that they build towers all over Louisiana.

Mr. Adams stated that the board will need information that states that the concerns will be mitigated and that a certain level risk is acceptable.

Mr. Alexander stated that he understands that the property owner wants to make money but if the tower is on his property and falls on his property, then the risk has been mitigated.

Mr. Rankin stated that we are not engineers but if your engineers state that they will design the tower for this type of soil and that it will not fall over due to erosion, then he is ok with it.

Neil Erwin, the Attorney representing the Board stated that the other two concerns that he heard are if the tower height can be reduced and what about a white light instead of a red light.

Mr. Alexander stated that Wanda Bennett wanted to know about the height.

Mr. Mason stated that you may want the tower to be taller if you want other carriers to be able to co-locate.

Mr. Alexander stated everyone wants better cell coverage but safety concerns are a concern.

Mr. Erwin asked about white lights or red lights.

Mr. Mason said that it is what it is.

Mrs. Penwell stated that the concerns are the elevation, the alternate location and soil erosion.

Mrs. Askew-Brown stated that it needed to be in a form of a motion.

Mr. Mason asked if the height needs to be from the property line and from the road.

Mr. Rankin stated that this Board has approved towers in the past where if they fell, they would fall on other people's property and that the likelihood of that happening is extremely remote. No one can make a 100% guarantee... but we have approved in the past, on small pieces of property, towers that if they fell, would fall off the property.

Mr. Mason said that the letter we produce is the letter we would provide.

Mr. Mason asked additional questions about the tower being located a certain distance from the road.

Mrs. Askew-Brown asked Mr. Mason if the lease area would need to be moved or if the actual tower needs to be moved.

Mr. Mason stated just the tower.

Mr. Adams called for a motion.

Mrs. Penwell made a motion that we table this case until we can get the answers about the tower not falling on other people's property in the vicinity and that we get information about the soil and erosion around the tower itself.

Mr. Rankin seconded that motion

The motion carried unanimously.

REGULAR MEETING

1. Approval of Minutes

Mrs. Penwell stated that a correction was needed to the August 2015 minutes.

2. Old Business

Officers were re-elected.

- Chairman – Mr. Fred Rankin
- Vice Chairman – Mr. Doyle Adams

3. New Business

Discussion was had about changing the meeting time from 7:00pm to 6:00pm. The meeting time remains at 7:00pm.

Mr. Erwin was asked by Mr. Rankin to review the By-Laws.

Mr. Erwin discussed previous procedures and past litigation.

4. Adjourn

Fred Rankin

Mr. Fred Rankin, Chairman

Chairman: Mr. Fred Rankin

Vice Chairman: Mr. Doyle Adams