
MINUTES**PUBLIC HEARING**

The public hearing was called to order by Chairman Brian McArthur at 7:00 p.m. Mr. McArthur informed those in attendance as to the procedures by which the public hearing would be conducted.

2012-19: CONDITIONAL USE PERMIT FOR JEFFERSON COUNTY 911 TO CONSTRUCT COMMUNICATION TOWER AT 3500 TELEGRAPH: Brian McArthur made a statement that although he is an adjoining property owner within the boundaries of this project he has not and will not benefit either monetarily or in any way from this development nor has he signed the petition filed against this conditional use permit.

Jeff Wagner of Lathrop & Gage, representing Jefferson County 911 explained that Jefferson County 911, through Collective Solutions, LLC, is asking for approval of a conditional use permit to construct a service communications tower at 3500 Telegraph. This tower is part of a multi county project that will result in giving public safety officers the much needed two way communications they require when dealing with multi jurisdictional emergencies. It will also give them the ability to have communications in other counties in the region when handling large scale incidents. The proposed tower is being built in response to the Federal Communications Commission's (FCC) "narrowband" mandate that was issued some time ago and is being paid for by the 911 tax that the voters of Jefferson County overwhelming passed in 2009.

Russell Bean of Collective Solutions hired by Jefferson County 911 to perform site acquisition services permitting and zoning for the 18 sites in conjunction with this proposed system. Mr. Bean distributed a packet containing a brief overview of the proposal as a whole. The proposal is for a 300' self support lattice wireless communication tower; they are proposing 6' conifers as landscaping; the site backs up to a heavily wooded section of the property so they are only proposing landscaping on three sides as well as a 6' white vinyl sight proof fence. This site was chosen due to the elevation of the property. There is also a natural gas pipeline easement that runs through the center of the property therefore; they put it towards the northern side of the property. This tower is for public safety. Mr. Bean continued on explaining the information he distributed.

Greg with Motorola Solutions explained the reliability levels that are required for the portables on the hips of public safety officers. The reliability level is to be 98% on the street in the whole northeast corner of Jeff Co. Also required is 95% reliability level when entering light structures (residences). This will give the first responder radio coverage on the first push of the button round trip into the dispatch center and back for a minimum of 95% of the area. The towers being constructed need to be a specific height to support the Microwave back bone and the RF antennas needed for the public safety communications system.

Kim Poor, 756 Mary – In favor of the tower just not the location. There are other properties with higher elevation available. Also concerned of the tower falling in the event of an earthquake.

Does not like their reasoning that this location was “easy” because there is already a utility easement and already a lease.

Jeremy Johnston, 734 Mary – safety concern for wife, daughter and new baby; other locations available – Tazar Woods or Flamm City.

Paul Terry, 3938 Wicks Rd. – property is not heavily wooded; primarily residential; what will happen to property values; city property nearby and the city could make money off it.

James Geisler, 765 Mary – property values will go down; paid extra to live by the woods; better locations available; concerned of possible gas problems should the tower collapse.

Tom Ahrens, 3951 Wicks Rd. – the ground has been filled with mulch making it unstable; lower the property values.

Carol Bolduc, 644 Peach Dr. – concerns - safety; security; property value; Commissioners don't care they don't live in the area; causes cancer; very angry.

Virginia Terry, 3944 Wicks Rd. – every time we step out our door we will have to see this; please reconsider the location.

Randy Keller, 3932 Wicks Rd. – will destroy the beauty of living there; safety issues.

Rebecca Thomas, 757 Mary Ln. – son has an electronic shunt in his head, concerned of possible affects from the tower; property value.

John Morrie, 3920 Wicks Rd. – health concerns; why so close to the houses; put it in the park; dangerous.

Cindy Rayburn, 4008 Wicks Rd. - health concerns; would you want this out your door?

Jerel Poor, 756 Mary – thanked all the Commissioners for their volunteered time. Submitted 27 questions and only 10 were answered (attached); location is a disaster waiting to happen. Not against the tower just the location.

Mike Evans, 509 Hannah Way – bad idea; disaster; looks bad; objects.

Charlie Priscue, 743 Mary Ln. – residential area that is not a wooded area; questions alternative technology with regard to line of sight.

Pete Nicholas, 4218 Missouri Pacific Road – 7/10ths of a mile from the proposed location; other locations to choose from without residents.

Bob Lindsey, 1182 Jere Ln. – not against the tower; need better location; maybe Strawberry Creek Park or maybe down Wicks Rd.

Cindy Niemeyer, 4300 Wicks Rd. – she is on the 100 acres of farmland that is down Wicks Rd. and does not want it located there either; her husband thought Strawberry Creek Park would be good.

Norma Rapp, 4210 Wicks Rd. – tower would not be in her backyard but is concerned for all her neighbors.

Paul Terry, 3938 Wicks Rd. – asked to see what the tower is going to look like.

There being no further questions or comments, the public hearing adjourned at 8:45 p.m.

REGULAR MEETING

The regular meeting of the Arnold Planning Commission was called to order by Chairman Brian McArthur at 8:06 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, Michelle Hohmeier, Cricket Whaley, Brian McArthur, Roy Wilde, Ted Brandt, Frank Kutilek, Jeff Campbell, Andrew Sutton, Todd Teuscher, Mary Holden, Christie Hull-Bettale, Dan Bish and Attorney Frank Vatterott. 10 voting members present.

REVIEW AND APPROVAL OF AGENDA: No revisions.

APPROVAL OF MINUTES: Motion by Jeff Campbell to approve the minutes from the July 24, 2012 meeting as presented. Second by Andrew Sutton. Voice Vote – *Unanimously Approved.*

QUESTIONS FROM THE FLOOR: Jerel Poor, 756 Mary Ln., commented that with the power line, the structure will be within 71' of the easement over the road so developing anything back further will be a problem as well as the gas line and the pipe line. They also need to have an Emergency Response Plan if something goes wrong.

Bill Moritz, Ward 2 Councilman, commented we need to look at another option such as Strawberry Creek Nature Park.

Kim Poor, 756 Mary Ln., commented that the line of sight would work in Strawberry Creek Park. Strawberry Creek would be non risk area and we would be able to fulfill our requirement for FCC. Not against the tower just location.

7a. 2012-19: CONDITIONAL USE PERMIT FOR JEFFERSON COUNTY 911 TO CONSTRUCT COMMUNICATION TOWER AT 3500 TELEGRAPH: Mary Holden received a comment that the pipeline is exposed. She called Center Point Energy today and they walked the pipeline on the DeClue property and confirmed that the pipe line is **not** exposed. He stated they have no problem with the tower, they are far enough away; we should not be used as a reason for denial of the tower.

Mary Holden also clarified that the mandate is not to build a tower 309' tall – it is a mandate to “narrowband” from the FCC. They have received a waiver for an additional year. Mary also included some general topics for the Federal Telecommunications Act of 1996; the do’s and don’ts of the local municipalities and what they can and cannot consider in their decisions – environmental factors is not one of them.

There is a valid petition; therefore, it will take 2/3 of the members present tonight which would be 7 since all 10 members are in attendance.

Frank Vatterott, Attorney representing the City of Arnold, addressed the concern of environmental effects. Mr. Vatterott stated that we cannot consider this because they are pre-empted by the Federal Government. He read from the Federal Telecommunications Act of 1996, Section 704 which reads, "*pre-empts any local zoning regulations reporting to regulate the placement, construction or modification of these towers either directly or indirectly on the environmental effects of radio frequency admissions*" which includes the microwave.

Jeff Wagner, Lathrop & Gage, representing Jefferson County 911, addressed some of the concerns and issues explaining that these towers are designed to fall upon themselves.

Russell Bean, Selective Solutions, distributed some photographs of various tower collapses. One from the Joplin Tornado and one from Hurricane Katrina. This tower is going to be designed to withstand these types of events.

Russell Bean also explained that Strawberry Creek is considered a nature preserve. They could go through the process but eventually it would be denied per their FCC license because it is a nature preserve.

Russell Bean passed out some data with regard to what happens to property values when a cell tower is erected in the area. Historically property values continue to trend with the market.

Andrew Sutton – questioned if this is the ideal site or the only one you could secure a lease? Mr. Bean answered that this is the ideal site. They did approach several owners in the area. Andrew asked who will own this tower – Jefferson County 911 Dispatch. How many of these towers are already in place in Jefferson County? – None, we would be the first.

Frank Kutilek – asked if the line of sight was the main criteria. Mr. Bean stated that actually it was line of site and the radio coverage. Frank questioned why they couldn't add on to the Ameren UE transmission tower. Mr. Bean stated that Ameren does not like to add anything to their towers.

T.J. Southoff, Pyramid Network Services – explained that these telecommunication towers are designed in accordance with telecom structural criteria. The Ameren towers are designed to a different structural code. They are incompatible.

Greg with Motorola Solutions explained that the coverage criteria drives the height and the line of sight dictates the location.

Brian McArthur – questioned if two viable properties to the north and to the east would work for this tower. Brian was told that these two sites had not been evaluated. They cannot evaluate a site that is not available to them. Brian commented that the Federal Government has used eminent domain in many cases when it involves public utilities. Mr. Bean stated the Federal Government cannot come in and take land for this purpose. This is a local issue. The new system is mandated by the Federal Government.

Michelle Hohmeier asked if there is a plan B. Mr. Bean stated this is their only plan.

Ted Brandt questioned why they can't raise our antenna. Discussion regarding the height and line of sight.

Jeff Campbell commented that no matter where you put the tower, someone will not like it. He feels we owe it to the citizens that other locations be investigated.

Motion by Jeff Campbell to "table" 2012-19 Conditional Use Permit for Jefferson County 911 Communication Tower to give them an opportunity to research other locations. Second by Frank Kutilek. Del Williams, yes; Michelle Hohmeier, yes; Cricket Whaley, yes; Brian McArthur, yes; Roy Wilde, yes; Ted Brandt, yes; Frank Kutilek, yea; Jeff Campbell, yes; Andrew Sutton, yes; Todd Teuscher, yes. 10 yeas, 0 nays – *Motion to Table Approved.*

STAFF REPORT: Mary Holden – submitted our Comprehensive Plan to the State APA for consideration for an award; On Sept. 20th we will be bringing forward a sketch plan. This is from Arapaho Development who built Water Color Villas, this will be their second project. Their submittal deadline to the Missouri Housing Development Commission for them to make application for funding is September 21st.

Christie Hull-Bettale reported on recent plan reviews.

OLD BUSINESS: Frank Kutilek questioned the status of Spruce Up Landscaping. Mary Holden stated that September 11 is their drop dead date. If they don't have a final occupancy permit by then, they will have 60 hours to vacate the property. Frank also asked about Foxwood. Mary stated she has not heard from them.

COMMISSIONERS REPORT: Ted Brandt questioned the hydraulic lift with a vehicle on it at Blackwell Motors. Mary Holden stated we have just sent a letter stating they need a conditional use permit to allow this. Ted also questioned the Metal Container site and the berm they put up. Christie stated that they had additional fill they bermed at this location but it was not approved on any site plan. They say they have not disturbed the exiting swale but they have not submitted the addendum to the plans yet.

ADJOURNMENT: Meeting adjourned at 9:16 p.m.

Respectfully Submitted,



Roy Wilde
Planning Commission Secretary

1. Why is the cell tower being placed abutting a residential area when there are many rural and/or agricultural sites much further from community populations within Arnold?

The location of the tower was selected to provide the best coverage possible for the Emergency Responders in and around Arnold. It is our plan to provide portable radio coverage to all law/fire and EMS in the area.

2. Why does the proposed Motorola Solutions sketch show only houses along Wicks at the beginning of the street but does not show all the homes directly abutting the cell tower site at Mary Lane? These homes are within the same proximity of the cell tower planned site.

3. Why is the tower necessary as there are three cell towers within less than 1 mile, including the tower near Bayshore Subdivision, the tower just south of Jeffco and Telegraph intersection as well as a tower in close proximity at Richardson Road between I-55 and Jeffco Boulevard. The area seems saturated with cell towers. The 911 Board could use an existing cell tower without adding an additional cell tower in the area. Why not use one of the towers in close proximity?

The towers mentioned in the question are not tall enough. For coverage reasons our tower needs to be 300 foot in height. We will also be utilizing a large area of the tower, and the current towers do not have the needed space available.

4. What are the technical details that prevent the 911 Board from using an existing cell tower?

As stated in the answer above, it is generally an issue of height and space available.

5. What are the economic details which necessitate the 911 Board requesting a new cell tower site versus using an existing site?

There are no economic details. However, for the long term, it is more cost efficient for 911 to build a new communications tower, then pay rent for 30 years.

6. What benefits from Motorola Solutions or any other provider does the 911 Board gain by supporting the addition of the new cell tower at 3500 Telegraph?

There are no benefits from Motorola to 911 for the new communications tower. This radio system is being designed and built for Public Safety.

7. How is the 911 Board operating now without this cell tower location? Why can they not continue operations as they are doing now? Why can they not use an existing cell tower to perform their mission?

We currently lease space from AT&T on a tower located at Richardson Road and I-55. This tower is not of adequate height to support the new radio system.

8. What are the dangers of the cell tower to human population if the cell tower is placed as planned at 3500 Telegraph? Many scientific studies warn of numerous health hazards related to cell towers. Even cellular-supported industry studies say the issue is "inconclusive". When querying the internet with the question, "Are cell towers harmful?", there are a myriad

17. What will the energy wavelengths/frequency sent, relayed and received by the proposed cell tower be? List all.

18. Other than cellular signals, will any other types signals be relayed, sent or received?

19. What will you do to provide support to local residents who develop electrosensitivity syndrome?

20. Some studies say a link between EMFs and health issues is possible, others don't. And scientists interpret the data differently. With the strong issues related to the studies, why are you risking our lives to place a cell tower within 120 feet of a human population when you can't guarantee our safety? These studies do show that we as a scientific community don't know enough about long term exposure to really guarantee public safety. So why don't you pick a site that is further from human population to mitigate the possible risk to our families?

21. What assures that the 1000 gallon propane tank that will be on site does not blow up causing grave damage to the cell tower and/or the human resident population?

22. While it is well known that EMF cannot rip apart DNA, it can cause an increase in free radicals within the human body which are most especially damaging to younger humans. What will you do to 100% guarantee the safety of the children and adults in the local human population? Can you really guarantee the safety of our children when you don't really know because the studies conflict? What is the dollar figure limit for damages to human health that you are liable for per person for harming the human population in any way linked to the cell tower?

23. If this tower supports the functioning of the 911 board, why is it not centrally located within Jefferson County? There are many rural areas that need better cell coverage. Why put the tower where 3 already exist within a mile if the 911 function is truly the objective of the tower itself?

There are a total of 18 Communications sites county wide. This is the only one in Arnold. This communications tower is for the public safety radio system, not for cellular coverage.

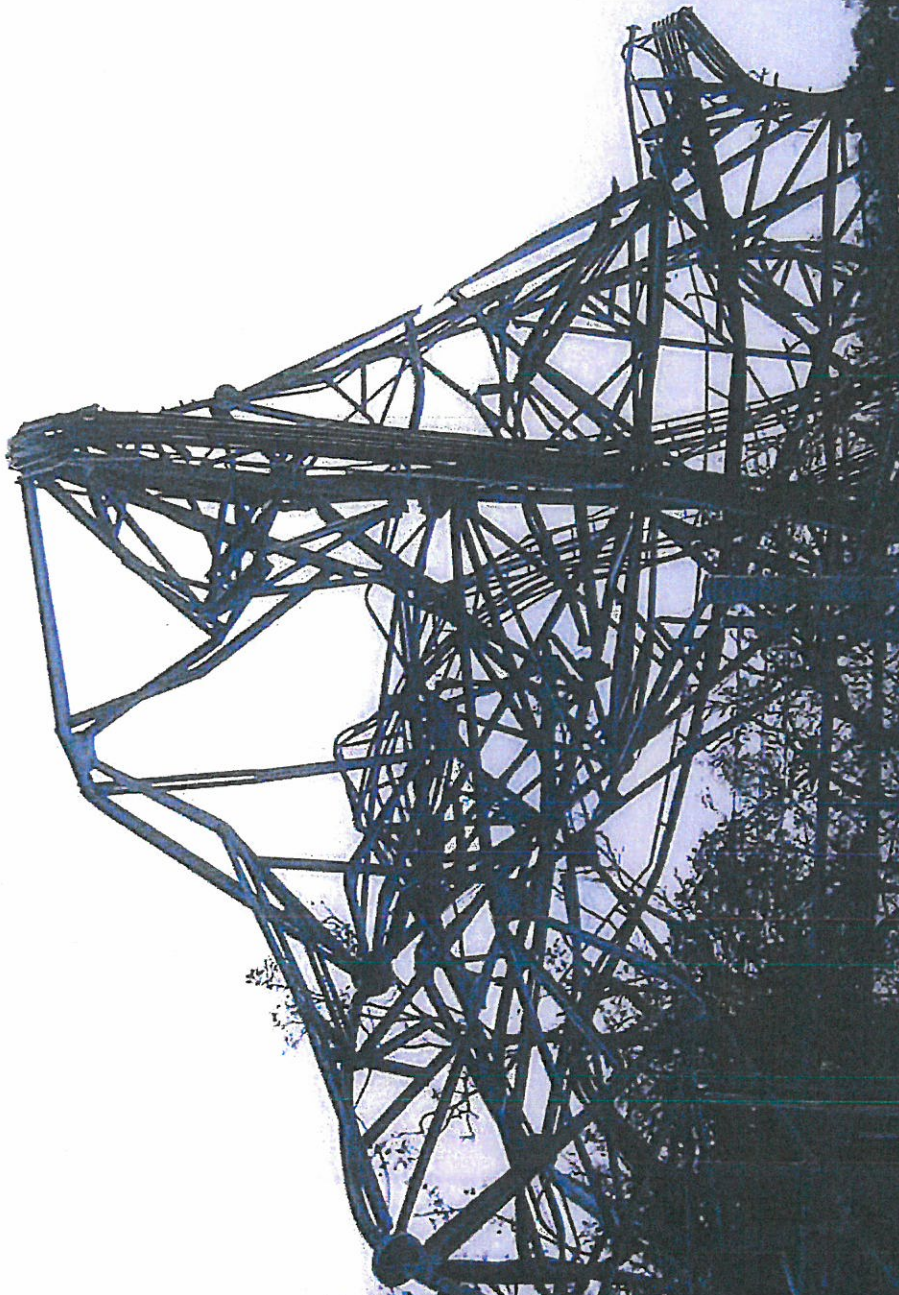
24. How many other companies/businesses/establishments will use the proposed cellular tower besides the 911 Board? Is this about the 911 function itself and only or about a larger economic mission outside the 911 function? Please provide your business plan for the tower, including all projected revenue figures.

This site is primarily for the public safety radio system, however the site is being designed to handle 3 additional carriers.

25. What is your contingency operations plan for this tower? Please submit plan for review.

26. Are the landowners at 3500 Telegraph aware of the issues related to cell towers? Do they fully support the installation even with the disputed risks to human populations? Do the landowners at 3500 Telegraph ever live at their commercial property? The answer appears to be "no" so why are they making a decision to expose others when their decision does not put





09/05/2005

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE: 8/14/2012 CALLED TO ORDER: PH: 7:00 RM: 8:06 ADJOURNMENT: PH: 8:06 RM: 9:16	ROLL CALL	2012-19 - TABLED						
DEL WILLIAMS	P	Y						
MICHELLE HOHMEIER	P	Y						
CRICKET WHALEY	P	Y						
BRIAN MCARTHUR	P	Y						
ROY WILDE	P	Y						
TED BRANDT	P	Y						
FRANK KUTILEK	P	Y						
JEFF CAMPBELL	P	Y						
ANDREW SUTTON	P	Y						
TODD TEUSCHER	P	Y						
MARY HOLDEN	P	NO VOTE						
CHRISTIE HULL-BETTALE	P	NO VOTE						
DAN BISH	P	NO VOTE						
ATTORNEY FRANK VATTEROTT	P							