

... Cannon
City Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

MINUTES
May 20, 2021
6:00 PM

Members Present

George Turner
Marva Lucas-Moore

Alternate Members in Attendance

Vickie Mullins - Alternate
Linda Amos - Alternate

Absent Members

Gregory Parks
Stacy Michael Long - Alternate
Robert Davis - Alternate

Staff/Others Present

Aristotle (Telly) Shinas
David Moon
Yolanda Bennett
Rob Hasty- (Asst County Attorney)

Chair Turner called the meeting to order at 6:05 p.m. in Public Hearing Room #3 of the Historic Courthouse.

Chair Turner stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. Although there are no set time limits for any speaker addressing the board, the board asks speakers to not repeat what has been previously stated. If there is no new evidence to offer, please make the board aware of your agreement with the previous speakers. If any board member wishes to speak or ask any questions, please ask to be recognized by the Chairman before speaking.

1. INVOCATION

George Turner

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mr. Moon informs the board members and the audience that Alphonso Ferguson who is in the vice-chair position for several terms has passed away on April 25, 2021 so we are keeping his family in our thoughts and prayers. Mr. Moon called the roll. For the audience, Mr. Moon stated a quorum was present.

3. SWEAR IN STAFF

Chairman Turner swore in staff.

4. NOMINATION OF NEW VICE CHAIR

Ms. Lucas-Moore nominates Mr. Gregory Parks to be vice chair of the Board of Adjustments. Ms. Amos second the motion. The motion passed unanimously.

	IN FAVOR
TURNER	YES
LUCAS-MOORE	YES
AMOS	YES
MULLINS	YES

5. ADJUSTMENTS TO THE AGENDA

There were none.

6. APPROVAL OF THE April 15, 2021 MINUTES

Ms. Lucas-Moore made a motion to approve the minutes from the April 15, 2021 meeting with any necessary corrections, seconded by Ms. Mullins. The motion passed unanimously.

	IN FAVOR
TURNER	YES
LUCAS-MOORE	YES
AMOS	YES
MULLINS	YES

7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

MR. MOON: In terms of the case of P21-01-C, Special Use Application for campground. It is a continuation from last month's Board of Adjustment meeting. The applicant submitted a revised site plan about a day and a half before the packets were released and there was not sufficient time for the review team to complete a review and provide comments, nor was there time to include that revised subdivision plan within the Board of Adjustment case packets for this evening. Recommendation of staff is that this case be deferred to the June Board of adjustment meeting. Last month, the applicant requested to defer to this evening so that they can prepare a plat dividing the property into three lots. The center lot would comprise a campground with the southern or eastern lot to serve as the lot for the trailer home and then the other lot would be a vacant lot for future sale. Because the plat occurred the lot shape changed for the campsite area substantially reducing it from the larger property to a smaller site and so a revise subdivision plan or site plan was necessary.

CHAIR TURNER: Mr. Hasty would you recommend we do in this case?

MR. HASTY: It is up to the board. Does the applicant have a position on it?

CHAIR TURNER: The applicant is here, I think.

MR. HASTY: Does the applicant object to the deferral?

CHAIR TURNER: Mr. Joyal are you here? The staff is requesting to defer this case until June do you have any objections to that?

MR. JOYAL: Well, it's disappointing but I don't object to it.

CHAIR TURNER: What we don't want to do tonight because we only have four members if there was a particularly tonight, we only have four members and if it was any issue voting and the staff is not ready, then we don't want someone to vote against it and start you all over again.

MR. JOYAL: Right. I understand.

Mr. Turner made a motion based on staff recommendation to defer P21-01-C to the June meeting. Ms. Mullins seconded. The motion was passed unanimously.

	IN FAVOR
TURNER	YES
LUCAS-MOORE	YES
AMOS	YES
MULLINS	YES

MR. MOON: Chairman, there is also the case of P21-02-C. At the last hearing, the applicant requested us to defer to this evening to allow time to consider his variance request for an already constructed garage storage facility that had not obtained a building permit. Applicant has submitted a written request that referred to next month so that they can have more time to obtain estimates from contractors for possible connection from the house to the garage which would eliminate the need for a variance. So, it's a matter of the applicant having time to evaluate what is needed to make that connection and what the cost is and what his options are, and the staff has no objections to the continuation.

Mr. Turner made a motion based on staff recommendation to defer P21-02-C to the June meeting. Ms. Mullins seconded. The motion was passed unanimously.

	IN FAVOR
TURNER	YES
LUCAS MOORE	YES
AMOS	YES
MULLINS	YES

9. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Moon read the policy statement.

10. PUBLIC HEARING(S)

P21-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A COMMUNICATION TOWER IN AN A1 AGRICULTURAL DISTRICT ON 12.47+/- ACRES, LOCATED NORTHWEST OF THE INTERSECTION OF BURNETT ROAD AND MAIN STREET, SUBMITTED BY DUKE ENERGY PROGRESS INC (OWNER)

Chairman Turner read the case heading for Case No. P21-03-C.

Mr. Moon reviewed the zoning, sketch map, and land use of the area surrounding subject property. He briefly reviewed board packet material. Mr. Moon stated findings of facts is being requested by staff and is included in the packet.

CHAIR TURNER: Does anybody have any questions?

MS. MULLINS: This is a new tower, correct?

CHAIR TURNER: Yes, this is a new tower.

MR. MOON: This is a new tower on a site that currently has an electrical substation on it.

CHAIR TURNER: There's an electrical substation there and based on their application they want to put a tower that is 89 feet high and it's not to be used for anything except their own use.

MR. MOON: That is the information I interpreted from the application. I believe the applicant is here so he can further explain the proposed use of the property.

CHAIR TURNER: Any other questions? There were no further questions. Chair Turner opened the public hearing and swore in Toby Coleman.

MR. COLEMAN: I am the attorney for Duke Energy and for the matter of housekeeping I am making sure that the corporation is represented by an attorney. I am asking that everything in the packet be included into record. Mr. Moon did an excellent job of summarizing the case here. Additionally, Mr. McNeill will be speaking about some of the details I do just want to note again, I think that Mr Moon has already provided you with information showing this meets the criteria under the ordinance under Section 927 and I also note as well that the location of this tower is located as you can see on the site plan in the center of the property. It's going to be 89 feet tall

approximately and it's going to be about 200 plus feet away from any property line, so that there is no danger to public health or safety.

CHAIR TURNER: Is that your opinion of what you're saying? I don't want to mislead what you're saying.

MR. COLEMAN: The only thing I'm saying is that I'm just pointing out the evidence in the record is there that we have setbacks from the tower for all of the property lines.

CHAIR TURNER: Your statement is based on the fact that if the tower should fall down, that it wouldn't hit anything? Correct?

MR. COLEMAN: Correct.

CHAIR TURNER: Chair Turner swears in Mr. David McNeill.

MR. MCNEILL: Good evening, Mr. Chair and members of the board, it's a pleasure to be with you tonight. I'm David McNeill, District Manager for Duke Energy and I serve 8 counties, including Cumberland County. We are appearing before you this evening regarding our plans to place communications tower at Duke Energy's Godwin substation. This project is part of our Grid Modernization Program in which, Duke Energy plans to install poles at several substations across our state. This is taking place because CenturyLink have given us notice that they will be ending their service. This pole will be approximately 89 feet tall and will be located within the Godwin substation will be there to collect data and to control the distribution equipment.

It will be located within our existing substation to collect data. They control our distribution equip. We require a tall enough pole to be able to see our line of sight with our existing tower structures throughout North Carolina. This addition will enhance service reliability for our customers. The use of this pole at the Godwin substation is a public necessity. The communications towers are an important part of our day-to-day operations and as part of the fundamental physical infrastructure required. To support our companies Smart Grid and other operational technologies.

In our storm response plan, this communication system provides reliable way to communicate key messages to individuals and groups during the power restoration process. Communicating supports employee safety and operational excellence. Our company is pleased to make this investment in our communications infrastructure and will invest approximately \$200,000 in the tower and network equipment at this site. We estimate completion of this project by mid-December, weather permit. This communications tower supports our commitment to provide our customers with safe reliable affordability and increasingly clean energy in Cumberland county and throughout service areas. Thank you for the opportunity to appear before you tonight.

CHAIR TURNER: You said that this was a public necessity, why does the public need this?

MR. MCNEILL: In simple terms, it is because electric services are so essential to all of the people of North Carolina and this communications tower put us in a position to communicate with employees doing work to restore power after major storms as well as the day-to-day operations.

CHAIR TURNER: What would happen if you didn't have it?

MR. MCNEILL: In the past we've had CenturyLink as our service provider. They let us know that they are no longer going to offer support anymore so that is why this project is important.

CHAIR TURNER: Okay, that makes sense anybody have any questions? There were none.

MR. HASTY: I believe that exhibit I should be included in the motion.

CHAIR TURNER: Based on the attorney's recommendation, we will incorporate the Godwin Special Use Permit. That the proposed monopole has been designed by professional to ensure the integrity of the tower as written here and at that tower will follow all specifications set by Cumberland County. The proposed monopole will give Duke

Energy's ability to provide power and service. This comes from termination by their previous carrier and that the monopole will be installed on existing substation that is already there will be used to aid its function.

Ms. Mullins made a motion to add exhibit I into the motion to accept the tower project. Ms. Amos seconded. The motion passed unanimously.

	IN FAVOR
TURNER	YES
LUCAS-MOORE	YES
AMOS	YES
MULLINS	YES

Chairman Turner reads the case heading for Case No. P21-04-C.

P21-04-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW REPLACEMENT OF AN EXISTING COMMUNICATION TOWER IN AN A1 AGRICULTURAL DISTRICT ON 33.79 +/- ACRES, LOCATED AT 7773 TABOR CHURCH ROAD, SUBMITTED BY DUKE ENERGY PROGRESS INC (OWNER)

Mr. Moon presented and reviewed the zoning, sketch map, and land use of the area surrounding subject property. He briefly reviewed board packet material.

CHAIR TURNER: Is the applicant asking to have the existing tower to be removed?

MR. MOON: Yes, the tower must be removed once the new tower is fully operation or after one year whichever comes first.

CHAIR TURNER: Are there any questions? There were none so Chair Turner opened the public hearing and ask if anyone wants to speak. Mr. David McNeill walks toward the podium. Mr. Turner informs him that he has already been sworn in and can proceed to talk.

MR. MCNEILL: Mr. Chair and members of the board, it is indeed a pleasure to be with you tonight, and at this time were coming before year to regarding our plans to replace a communications tower at our company's existing 500 kilovolt substation, which is located in Southeastern Cumberland County. As been described, the new tower will be self-supporting 350 feet tall with a lightning rod on top to a maximum height of 360 feet. This new tower replaces a 291-foot tower that was built in the 1980s. The use of this communications tower is a public necessity in support of the essential service of electricity for our customers. It's an important part of our company's day-to-day operations and is part of the fundamental physical infrastructure required to support our smart grid and/or other operational technologies. The 350-foot height will provide a much larger coverage area than typical cell phone towers.

This becomes extremely important during major storms when commercial communication systems are likely to be done. This communication tower enables the use of our mission critical land mobile radio system, which is a tool that our company first responders use to help us make repairs to our critical infrastructure when we are restoring service to our customers. The land mobile radio is often referred to as a two-way radio or dispatch radio. We've been using these types of radios dating back to the 1940s. This communication system is vital to the safety of our employees and general public and the tower will also support and improve Duke Energy's communications to area substations and other power grid assets. Duke Energy is pleased to make this investment of more than \$1,000,000 in the tower and network equipment at this site. This communications tower supports our commitment to providing our customers with safe, reliable, affordable, and increasingly clean energy in Cumberland County and throughout our service. We estimate that we will complete this project by the end of October, weather permitting. Thank you for the opportunity to speak.

CHAIR TURNER: Are there any questions of Mr. McNeill? There are no questions.

MR. MOON: Mr. chairman I would also like to add that the applicant provides a response provided with an exhibit I to demonstrate compliance with the special use permit criteria. It's in the findings of fact section of your staff report.

MS. MULLINS: Is this tower is not going to hook in, meaning that Verizon cannot play off of your tower, correct? This is just a Duke Energy Tower?

MR. MCNEILL: We are replacing an existing tower and it's a little bit larger which will enable communication with substations. Thank you for the question, I would like to ask the expert Mr. Dale Brooks.

CHAIR TURNER: Swears in Dale Brooks.

MR. BROOKS: I am the real estate agent for the company. Also, I work with third party companies that attach to our towers. On this particular tower, we do not have any current carriers but if a carrier wants to attach to this tower, they would have to come through the County to obtain a permit. We do design the tower for extras to join the tower because a lot of the municipalities like to see that instead of having to build another tower.

CHAIR TURNER: Are there any questions of Mr. Brooks? Mr. McNeill, will this tower have to be built higher and higher?

MR. MCNEILL: It's designed to service and function well. The previous tower served for about 40 years. This new tower is planned to be used for many, many years to come.

CHAIR TURNER: Why is this tower higher than the last one?

MR. MCNEILL: Because we are putting in these campon poles and that line of sight gives the distance to be able to service all of the different substations across the state.

CHAIR TURNER: Are there any questions of the board from anyone?

Ms. Lucas-Moore made a motion to approve this case and to add the site plan and exhibit I into the motion. Ms. Amos seconded. The motion passed unanimously.

	IN FAVOR
TURNER	YES
LUCAS-MOORE	YES
AMOS	YES
MULLINS	YES

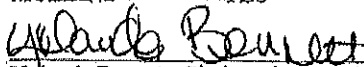
11. DISCUSSION/UPDATES(S)


Mr. Moon discusses the requirement of Cumberland County Commissioner to designate the Board of Adjustment to also be the Housing Appeal Board beginning June 2021 and how the new board will operate.

12. ADJOURNMENT

Ms. Lucas-Moore made a motion to adjourn, seconded by Ms. Amos. The motion passed unanimously. Meeting adjourned at 7:15 pm.

	IN FAVOR
TURNER	YES
LUCAS-MOORE	YES
AMOS	YES
MULLINS	YES


Yolanda Bennett, Clerk to the Board


George Turner, Chairman