

Members:
George Lott, Chair
George Turner, Vice-Chair
Alfonso Ferguson Sr.
Winton McHenry
Gregory Parks



Alternates:
Robert E Davis
Nathan Galbreath
Stacy Michael Long
Vacant
Vacant

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

MINUTES
September 20, 2018
7:00 PM

Members Present

George Lott
Alfonso Ferguson Sr.
Winton McHenry
Robert Davis
Nathan Galbreath

Absent Members

George Turner
Gregory Parks

Staff/Others Present

Hope Ward Page
Patricia Speicher
Dena Smith
Robert Hasty, Jr. (Assistant
County Attorney)

Chairman Lott called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. INVOCATION

Chairman Lott

PLEDGE OF ALLEGIANCE

Recited by all.

Chairman Lott 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.

2. ROLL CALL

Mrs. Page called the roll and stated a quorum was present. For the audience Mrs. Page introduced Mr. Robert Hasty, Assistant County Attorney.

3. SWEAR IN STAFF

Chair Lott swore in staff.

4. ADJUSTMENTS TO THE AGENDA

There were none from staff.

5. APPROVAL OF THE JUNE 21, 2018 MINUTES

CHAIR LOTT: The motion has been made, motion of a second has been made, all those in favor of approval?

Mr. Davis made a motion to approve the minutes from the June 21, 2018 meeting with any necessary corrections, seconded by Mr. Ferguson. The motion passed unanimously.

IN FAVOR	
LOTT	YES
FERGUSON	YES
MCHENRY	YES
DAVIS	YES
GALBREATH	YES

6. APPROVE 2019 DEADLINE/MEETING SCHEDULE

Mr. Davis made a motion to approve the 2019 Deadline/Meeting Schedule, seconded by Mr. McHenry. The motion passed unanimously.

IN FAVOR	
LOTT	YES
FERGUSON	YES
MCHENRY	YES
DAVIS	YES
GALBREATH	YES

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

There were none.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

9. POLICY STATEMENT REGARDING APPEAL PROCESS

MS. SPEICHER: It's not necessary. Donna doesn't want to speak.

10. PUBLIC HEARING(S)

P97-14-C: MODIFICATION OF A SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER IN A R10 RESIDENTIAL DISTRICT ON 0.10 +/- ACRES TO ALLOW A 50KW AC GENERATOR WITH A 211 GALLON DIESEL TANK ON A 4 FOOT BY 8 FOOT CONCRETE PAD, LOCATED AT 6341 CICADA STREET, SUBMITTED BY SRW BUILDERS INC (OWNER) AND DENISE L VILET ON BEHALF OF TOWER ENGINEERING PROFESSIONALS INC AND JEFFREY BELL ON BEHALF OF CROWN CASTLE (AGENTS).

Chair Lott read the case heading for Case No. P97-14-C.

Mrs. Page reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Page asked if the section of the zoning ordinance Section 927 Towers which are referencing on pages 106 - 109. The application submitted by the owner is complete and the owner has agreed to all the ordinance related conditions that were included in your packet. Staff asked when making a motion if you could make the motion subject to the findings of facts located behind the special use tab in your binders.

CHAIR LOTT: Ok, thank you.

MR. FERGUSON: Wasn't there a tower on that site already what you had there?

CHAIR LOTT: Yes there is existing.

MRS. PAGE: Yes there is an existing tower and they are requesting a modification to the site to add the proposed generator, they were wanting to add that and any other proposed or existing equipment for the site.

CHAIR LOTT: Any other questions? Speakers?

MRS. PAGE: We do not have any speakers. Neither the applicant nor owner are attending the meeting, so do not have any speakers signed up to speak.

MR. GALBREATH: If I may, this is good timing just coming off the hurricane to talk about having emergency backup generator for a cellular tower.

CHAIR LOTT: Right.

MR. GALBREATH: I notice the request from essentially looks like T Mobile just trying to do the right thing and back up their cell tower for times such as last week when all people had were cellular networks. Maybe we can just walk through the four finding of facts and discuss those. The first one, the use will not materially endanger the public health or safety of located according to the plan submitted and recommended. It is a two hundred and eleven gallon diesel tank, but it looks like it's surrounded by woods, the chances of something occurring to the tank like that, I think would be slim to none.

MR. FERGUSON: Not true. Because in the military you always put rubber surrounding around diesel tanks because things can happen we had like a boat thing you put around diesel tanks. Nobody's protesting it so I won't protest it. It can leak out of those tanks and go into the woods.

MS. SPEICHER: Please speak into your microphone; pull it closer, she's getting all this on the recording.

MR. FERGUSON: Ok. What I was saying about diesel fuel and tanks is in the military they put these rubber around the tanks because when you have diesel fuel they can over run and will run into the soil base and the water hydra line as well but what I said is nobody's coming to protesting it so I'm just saying something can happen. I will not say it won't, but it can happen. Diesel can leak out of those tanks into the soil. So what I'm saying is I think we should have someone here to speak on that part to be for sure to protect the citizens.

CHAIR LOTT: Has that question been raised by the?

MRS. PAGE: Unfortunately since there is no one here to speak to that.

CHAIR LOTT: I do know from experience that there's maintenance crews that keep these sites up because they're very important for the communications community and maintenance is part of that so I would assume because, I'm personally involved in a couple of them that my friends own, that they do have maintenance crews there almost on a weekly basis.

MR. MCHENRY: Excuse me, the unit that you say that you are familiar with do they have tanks that are double lined?

CHAIR LOTT: No but those tanks are certified for that use, for diesel fuel.

MR. MCHENRY: Well it's not a matter whether something happens to the tank but when they are loading or filling the tank, if they run over.

CHAIR LOTT: I know most companies that supply the fuel they have cutoffs on those fuel tanks just like they do at the gas stations where we get our fuel same type of nozzle except they're course much larger.

MR. FERGUSON: I'm not quite agreeing with you on that part of it but like I said again but we don't have anybody from the public here to protest is fine but I'm saying even the military, and I shipped many tanks overseas, we ordered these rubber parts to go under these tanks because fuel can dump in the soil and anything can happen if it goes over into the soil so we aren't arguing the point because that's not what's on the board, I just brought it up.

MR. HASTY: Chairman, if I could, you are able to make a decision based on the site plan, application and what not but since we are already seeing why evidence, additional evidence, may be needed the board may just want to discuss whether or not there is sufficient evidence or if you wish to defer this to a later date or continue moving forward. I'm not sure that the evidence that's in there is meeting what you are discussing currently can work and meet these four requirements.

CHAIR LOTT: Okay.

MR. GALBREATH: I was just about to say, because we can't establish the safety of it and what precautions they may take, it might be worth tabling it until we can.

CHAIR LOTT: Put that in the form of a motion? Would we call it a deferral or table?

MR. HASTY: I think either way is fine.

MS. SPEICHER: We prefer defer to a specific date so that we do not have to re-mail notice letters.

Mr. Galbreath made a motion to defer this case until next month's Board of Adjustment meeting, seconded by Mr. Ferguson. The motion passed unanimously.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
DAVIS	YES
GALBREATH	YES

MRS. PAGE: Deferred to October 18, 2018.

CHAIR LOTT: Would you still like to ask your question or wait? (**Addressing Donna McFayden**)

MS. MCFADEN: (Since it's going to be deferred, my main concern is about the tank because there is well water out there on the lots)

CHAIR LOTT: Okay. This case has been deferred.

MR. DAVIS: Since she has already been here, can it be entered into the register so she doesn't have to be here next time?

CHAIR LOTT: Donna, do you want to come up and identify yourself and tell us who you are and make your statement or is it too late?

MS. SPEICHER: Next meeting.

MR. DAVIS: Maybe she'll want to come back next time.

CHAIR LOTT: If you would, come back to the next meeting.

MS. MCFADEN: (okay)

CHAIR LOTT: Thank you.

11. DISCUSSION/UPDATES

MR. GALBREATH: If I may, was there supposed to be a discussion on terms, folks service terms? Was anybody up?

MRS. PAGE: No. The Board of Commissioners were going to appoint two alternate members however, after the meeting was canceled I do not have two alternate members yet. There are no expiration terms right now for anyone sitting. Once the terms expire we then take the necessary precautions to contact Ms. Kellie Beam the Deputy Clerk to the Board of Commissioners and she sends the applications over, which is what you all received in email to nominate and select the members.

MR. GALBREATH: Okay.

CHAIR LOTT: Okay. Make a motion for adjournment?

12. ADJOURNMENT

Mr. Ferguson made a motion to adjourn, seconded by Mr. Davis. The motion passed unanimously. Meeting adjourned at 7:22pm.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
DAVIS	YES
GALBREATH	YES


Dena L Smith, Clerk to the Board


George Lott, Chairman