

**MINUTES**

Athens Board of Zoning Appeals

June 16, 2021

9:00 AM

City Council Chambers

**ROLL CALL**

**MEMBERS PRESENT**

Chairman Tom Hamilton  
Wesley Kite  
John Proffitt  
Dick Pelley

**MEMBERS ABSENT**

Kenny Charles

**OTHERS ATTENDING**

Anthony Casteel  
Gene McConkey  
Nicholas Bournakle

**Approval of Minutes**

The May 19, 2021, Regular Meeting minutes were not drafted, will be moved to the next schedule meeting.

**Old Business**

There was no old business to discuss.

**New Business**

1. **Small Cells Application request for 2 tower sites** by Nicholas Bournakel from SQF, LLC. First site is approximately 975 feet north of the US 11/SR30 intersection in the east side of the right of way. The second is 570 feet east of the Maple Street/Decatur Pike intersection in the south side of right of way.

Mr. Casteel said this is an application for two additional sites for small cells under the Telecommunications section of the zoning code. They had a pre-application meeting last February where he submitted eight additional sites and he thought they approved these two already, but Mr. Bournakle said they have not. They submitted everything, they have the bond estimate letter, that they required last time and of course they will not issue the permits until they get the bond. They have received the bond from the other eight. He is not sure if they are all installed or not.

Mr. Bournakle said there were some issues with the other eight. Six of those were placed on hold and are likely to be cancelled at this point. There are two of the original eight that U.S. Cellular would like to go forward with, which they received the extension as the permits from Mr. McConkey so those two are definitely going forward. These two they originally spoke about in the meeting last fall, but they did not submit formal applications because they were DOT sites. The DOT said they were fine, but they wanted them to get approval through the City of Athens as well.

Chairman Hamilton asked what the difference was in what they were doing today and what they did in February.

Mr. Casteel said the ones in February were in City right-of-way and these are in TDOT right-of-way. TDOT was going to have to give them approval to put the poles in their right-of-way, whereas the City had the approval to do the eight. Just like with their driveway cuts, they don't move on a driveway cut on state route until they get TDOT's approval, and they are not going to act on these poles until they get their approval.

Chairman Hamilton said so they did not approve these two sites back in February.

Mr. Casteel said no.

Mr. Proffitt said the bond was going to be in place for removing structure once they become obsolete.

Mr. Bournakle said correct.

Chairman Hamilton said it is the removal of these structures. He said there may have been a water line issue or something and if had been addressed.

Mr. Casteel said it is in the staff report and the comments from AUB. They are not about the use and location but about the installation. They did make the recommendation that these would be covered in their approval. He said he did not think that would be a problem.

Chairman Hamilton said he assumes any engineering problem as it is presented that could come up ten years from now is covered by engineers' portion of this not the City's.

Mr. Casteel said correct. They are only approving the City's portion of this not the engineers. This use would meet their zoning code. They have to be five hundred feet apart. He, Mr. Burchfield, Mr. Newberry, and Mrs. Johnston have all looked at already.

Mr. Kite asked Mr. Bournakle what his level of knowledge was on radio theory.

Mr. Bournakle said all the small sites they have done, small cells in general, U.S. Cellular, the client, and most all the work with are well below FCC standards.

Mr. Kite asked what the range was of the small cell sites.

Mr. Bournakle said it's about five-hundred feet range and that's probably where that bigger comes from. Although under state law, there is not suppose be a minimum separation requirement. That is one thing that is a little in conflict with the ordinance but generally it's about 500-foot for small cells.

Mr. Kite said he wondered as well; they are limited on where they build them as far as available space. He said he understands location is dictated by supporting the network, not necessarily the available location. They put towers in a location that supports the network, not just the available location.

Mr. Bournakle said correct.

Mr. Kite asked Mr. Bournakle if he would say these are properly supporting the network in the site that they have picked as far as like putting a tower that properly supports the network versus putting one in an available location that doesn't really support the network as good as it should.

Mr. Bournakle said he would say yes because he is not involved in the sighting. Each site that they pick, anytime that they have to make an adjustment to a site, they have to run it by U.S. Cellular and then their engineers will say, "if you move it here, the network will still achieve our coverage objectives." In addition to the two others that were brought back, and these, U.S. Cellular said OK, based upon the restrictions that we have at the original sites that we proposed, these four will help us achieve those objectives.

There was a brief discussion, and the motion received a second and a vote.

MOTION: To accept the request for the two tower sites.  
MADE: John Proffitt  
SECOND: Wesley Kite  
VOTE: Unanimous  
MOTION PASSED

  
Kenny Charles, Secretary