

**MINUTES  
SPECIAL JOINT MEETING  
BOARD OF COMMISSIONERS AND PLANNING BOARD  
HOOD ROOM, MATTHEWS TOWN HALL  
AUGUST 1, 2016 – 6:00 PM**

**PRESENT:** Mayor James Taylor\*; Mayor Pro Tem John Higdon; Commissioners Chris Melton, Jeff Miller, John Ross, John Urban and Larry Whitley\*; Planning Board Members Barbara Dement, Kerry Lamson, Gregory Lee, Kress Query and David Weiss

**ALSO PRESENT:** Town Manager Hazen Blodgett; Assistant Town Manager Becky Hawke; Town Clerk Lori Canapinno; Planning Director Kathi Ingrish; Zoning Administrator Mary Jo Gollnitz; Public Works Director CJ O'Neill

**ABSENT:** Planning Board members Steve Lee and Mike Ham

The Board of Commissioners and Planning Board met with staff to discuss issues relating to wireless communication technology.

Planning and Development Director Kathi Ingrish and Zoning Administrator Mary Jo Gollnitz displayed a presentation regarding wireless service facilities (Exhibit #1 hereby referenced and made a part of these minutes). Policy discussion ensued regarding current Town regulations, items that are not currently regulated and new technologies.

Ms. Ingrish explained that the Town's existing regulations on wireless technologies were adopted in 1997 and need to be updated. There are new technologies that are not addressed and the need for wireless infrastructure has greatly increased in recent years. Regulations instituted by the Town need to meet the requirements of the federal Telecommunications Act and other regulations.

Ms. Ingrish reviewed current regulations. There was discussion of cell towers and their placement. These towers may be up to 80 feet tall in general or up to 120 feet tall in certain circumstances. Stealth applications are those that look like something else, such as a tree, clock, light pole, etc. Co-location refers to multiple service providers locating on one structure as well as a service provider located on an existing structure such as a utility pole. Regarding stealth applications, Mr. Ross said he preferred the term "concealed" to relay the need for concealment rather than stealth since existing stealth applications are in fact fairly noticeable. Mr. Ross asked if there are any antennas on existing billboards and Ms. Ingrish explained that the Town hasn't received any requests for that but they could be used in the future. Water towers are another possible location. Mr. Lamson asked about equipment for antennas. Ms. Ingrish explained that there will be some equipment for every antenna placement, but the exact size and style will depend in the location.

Ms. Ingrish noted that the Town can't regulate to prohibit or have the effect of prohibiting the provision of wireless service, but it can regulate the "how and where". Legally the Town cannot consider radio frequency – RF or radiation – issues, which has been an issue of concern for some members of the public in previous zoning cases.

The Town needs to add or improve its regulations on fall zones for tall structures and new technologies such as small cell sites, Distributed Antenna Systems (DAS) and connected vehicles that digitally communicate with other vehicles, traffic signals and road conditions.

Small cell sites are becoming very common in this area. Ms. Gollnitz noted that some North Carolina communities are allowing all types of equipment to be placed in the right of way, some are allowing none to be placed there and others have varying regulations.

Discussion regarding tower screening ensued. Ms. Gollnitz noted there is normally equipment, fencing and landscape screening at each site. Minimum requirements are already included in Matthews' regulations. There are different regulations for stealth applications – no fencing or screening is required if there is no visible ground equipment associated with the stealth application.

Mr. Higdon questioned is the state was planning to regulate these issues, which would likely preclude the Town from setting its own regulations. Mr. Blodgett will contact the League of Municipalities to learn what is being discussed at the state level. Ms. Dement suggested a possible goal: for everyone to have reasonable communications but with as much regulation as possible to require co-locations in order to avoid putting up new towers whenever possible. Mr. Lamson agreed, suggesting that the Town look into opportunity mapping to plot out existing towers and take a proactive approach to future requests.

Ms. Ingrish reviewed several questions that the Board will need to consider:

1. *Do you want to keep/revise the current UDO regulations on limiting where tall towers can be located?*

Mr. Miller noted that they are allowed in R/I districts and said he understands the need for churches looking for an additional source of income through land leases. He wishes these decisions did not have to come before the Board. Mr. Lamson suggested allowing towers in the Office and Industrial zones to be taller. Ms. Ingrish explained that Office zones are often located adjacent to Residential zones since they act as a buffer zone. B-1 and B-1SCD zones are also often fairly close to Residential zones so they too are restrictive.

Mr. Ross suggested promoting the ENT district. Ms. Ingrish explained that area will likely use small cell/DAS applications and have antennas on the tall buildings rather than tall towers. Mr. Melton said the way tech is going the towers need to be taller than 80 feet to get the signal. It might be better to install one big tower and lots of DASs. Mr. Higdon questioned if the Town is being overly restrictive and wondered if the taller towers are worth the great benefit to the community with better coverage. Mr. Ross said the Town needs to consider the new districts that didn't exist when the regulations were originally written but that otherwise he didn't have a strong desire to change the regulations.

2. *Do you want to keep/revise the current UDO regulations on "stealth" applications?*

The group discussed stealth capabilities and aesthetics. Mr. Higdon said he hasn't seen a good stealth application yet – they are all very obvious. Mr. Melton said the 80 foot restriction should be reviewed since the industry standard is now 120-140 feet.

3. *Do you want to encourage new and emerging methods to increase capacity and coverage?*

The group's consensus was yes; new and emerging methods should be encouraged. This is a top priority. Mr. Higdon wondered if there were incentives that could be issued, such as tax breaks.

\*Mayor Taylor arrived.

Mr. Ross said the Town should encourage the less intrusive options while Mr. Urban said the Town should push back more on what is not wanted while focusing on new technology as the primary goal. Mr. Ross recommended pushing strongly for new technology such as small cell sites, DAS, micro- and picocells, etc. in the ENT district. Mr. Melton agreed, saying the Town should encourage innovation and make this the primary focus.

4. *Do you want to beef up the current UDO preference for co-location so that two or more carriers will use the same support structure as often as possible?*

The group agreed by consensus that co-location should be strongly encouraged. Mr. Blodgett pointed out that extra tower height is needed for the required separation between co-locating antennas.

5. *Do you want to **encourage** or **require** new antennas and their related equipment to be placed on existing structures within the desired vicinity instead of installing their own new support structures?*

Mr. Higdon questioned if a Town requirement would cause trouble with the state legislature. Mr. Ross suggested offering more flexibility to those wishing to co-locate. Mr. Query pointed out the need for follow-up to ensure those who stated they will co-locate are actually doing so in a timely manner. Mr. Ross noted the need for clear statements, since co-location can mean both a single tower with multiple carriers' antennas and one carrier's antenna being placed on a preexisting non-cell tower structure. Mr. Higdon questioned the need for required co-location since the group's previously discussed preference is for new technology.

Mr. Blodgett suggested encouraging both co-locating standards – one carrier on an existing non-cell tower structure as well as multiple carriers on a single cell tower. Ms. Ingrish noted the possibility that other carriers may not need or want to co-locate on a specific tower so requiring it could cause problem. Mayor Taylor said that situation could be resolved through the variance request process. Mr. Melton noted that would mean an applicant would be heard by the Board of Adjustment and suggested a condition requiring the applicant to appeal to the Board of Commissioners instead. Ms. Ingrish commented that it might be better for those requests to be heard by the Board of Adjustment through its quasi-judicial process. Mr. Melton suggested requiring the applicants to pursue conditional zoning. Mayor Taylor noted that the Town can't require that but it could be suggested and the applicant would be able to agree to it or not.

Discussion regarding requiring versus encouraging continued. Mr. Lamson suggested requiring in this subcategory while also encouraging the use of new technology. Mr. Weiss noted that using the word required in this section would make tall towers the default, which is in opposition to what was discussed previously.

6. *Do you want to add any stipulations on new structures/poles in public street rights-of-way for placement of antennas and their related equipment?*

Mr. Higdon would like to see vigorous regulations for the Historic Urban Core (HUC). He doesn't want to see poles and antennas everywhere – stealth applications should be used whenever possible. Building-top locations would probably be acceptable too. Mayor Taylor would like to protect the larger community and give the Town as much control as possible. He said co-locating on an existing cell tower is fine with him. Co-locating light and/or utility poles would be fine too and a creative way to hide the equipment would be to use an acorn-shaped holder on a light pole. Mr. Melton noted that light poles and utility poles might have different requirements – he wouldn't put a DAS on a light pole but he would on a utility pole. Mr. Miller agreed. Mr. O'Neill suggested that new development could incorporate systems into pole infrastructure as it was built.

7. *Are there specific areas within Town where small cell sites should not be allowed in the public street rights-of-way?*

Ms. Ingrish noted that currently there are no provisions to allow these in the public right of way, but all of the new applications seek to locate there. Mr. Higdon would like to restrict obtrusive structures in the HUC.

8. *Do you want to direct small cell sites to government-owned properties other than street rights-of-way?*

Ms. Dement suggested requiring existing structures to be at capacity before new structures are allowed to be built. Mayor Taylor explained that would be very difficult to enforce. Ms. Ingrish noted that staff will research to

find out exactly what type of information can and can't be requested from the carriers and structure developers as they go through the process. Mr. Miller questioned the direction toward government-owned structures and Ms. Gollnitz explained they are a source of income. Mr. Weiss suggested offering incentives to tower owners with multiple carriers - perhaps additional height. Ms. Ingrish said the Town should be directing applicants to the things the Town wants – emphasize Matthews' chosen direction: wireless technologies should be available but not disruptive, available but not visible.

The meeting adjourned at 8:25 pm.

Respectfully submitted,

Lori Canapinno  
Town Clerk