

The regular meeting of the Design Review Commission was held on November 10, 2022, at 5:15 pm in the Board Chambers of Town Hall, 500 Poplar View Parkway.

The following staff members were present; Town Attorney, Nathan Bicks; Town Planner, Mr. Jaime Groce; and Administrative Specialist Sr., Angela Gizzarelli.

Chairman Doss called meeting to order and announced that the meeting will be handled a little differently due to a published error. Information regarding the cell tower cases will be discussed at 6:00pm and until then the committee will be having a training session.

ROLL CALL:

Hepner	Peeler	Lawrimore	Lawhon	Donhardt	Stamps	Doss
Present	Present	Present	Present	Present	Present	Present

Quorum present.

APPROVAL OF MINUTES

Chairman Doss asked if there were any corrections to the October 13, 2022, minutes.

Hearing none, Chairman Doss called for a motion to approve the minutes from the October 13, 2022.

Motion by Commissioner Lawhon and seconded, to approve the minutes.

Hearing no discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Stamps	Donhardt	Lawrimore	Hepner	Peeler	Lawhon	Doss
Yes	Yes	Yes	Yes	Yes	Yes	Abstain

Motion Approved.

APPROVAL OF AGENDA:

Chairman Doss stated the agenda has been revised and published revised.

Chairman Doss asked if there were any changes and updates to the revised agenda.

Mr. Jaime Groce stated there are no changes to the revised agenda.

Chairman Doss asked for a motion to approve the agenda as revised.

Motion by Commissioner Lawrimore and seconded, to approve the revised agenda.

Chairman Doss asked for a roll call.

ROLL CALL:

Hepner	Peeler	Stamps	Lawrimore	Donhardt	Lawhon	Doss
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Motion Approved

Chairman Doss said there are no items on consent agenda, we can begin the small tower training being presented by Mr. Groce.

Mr. Groce stated Town Attorney will be joining the meeting via Zoom.

Mr. Groce reviewed the training report, which is included in the record as an exhibit about Small Cell Towers; The background is that the BMA decided that the DRC would hear appeals and waivers for design requirements outside of the Historic District. The Commissioners will hear about some terminology, examples of the technology, and the aesthetics plan that the BMA has adopted.

Mr. Groce provided some terminology and acronyms that will be used in the upcoming staff presentation for the four cases. COMMUNICATIONS FACILITY. The set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide communications service. SMALL WIRELESS FACILITY (SWF). A wireless facility with:

- (1) An antenna that could fit within an enclosure of no more than six cubic feet in volume; and
- (2) Other wireless equipment in addition to the antenna that is cumulatively no more than 28 cubic feet in volume, regardless of whether the facility is ground-mounted or pole-mounted. For purposes of this subdivision, "other wireless equipment" does not include an electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services. RIGHT-OF-WAY (ROW). The space, in, upon, above, along, across, and over all public streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks under the control of the town, and any unrestricted public utility easement established, dedicated, platted, improved, or devoted for utility purposes and accepted as such public utility easement by the town, but excluding lands other than streets that are owned by the town. COLOCATE, COLOCATING, AND COLOCATION. In their respective noun and verb forms, shall mean to install, mount, maintain, modify, operate, or replace small wireless facilities on, adjacent to, or related to a PSS. COLOCATION does not include the installation of a new PSS wireless support structure or replacement of authority-owned PSS or wireless support structure.

Mr. Groce provided an illustration comparing small cell pole to the macro tower. Small Cells are typically 32-50' tall, those taller than 40' are in commercial areas, 40' less are in residential areas.

Mr. Groce stated there is a concept called POTENTIAL SUPPORT STRUCTURE FOR A SMALL WIRELESS FACILITY ("PSS"). A pole or other structure used for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, including poles installed solely for the colocation of a small wireless facility. When PSS is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to co-locate on, modify, or replace the PSS until an application is approved and all requirements are satisfied. Examples include a streetlight, traffic signals, above ground utility pole.

Mr. Groce provided a picture of existing poles in the Town's right-of-way. Houston Levee and Wolf River Blvd. of existing poles which is near three of the locations for tonight's cases. There are different types of support structures. There is a concrete streetlight, steel mast arm street signal painted Collierville green and a wood utility pole. Important to note that MLGW owns a majority of the PSS structures, with the exception of the steel mast

arms. The Ordinance was adopted to preserve the integrity, safe usage, and aesthetics of the public right of way in Collierville. In other words, we are trying to make sure it is orderly, not creating clutter, minimize the inventory of poles in the right-of-way. Memphis, for example, reportedly tries to keep new inventory in the right-of-way from happening. We have to be aware of what is going on above ground as well as below, due to water lines and sewer lines.

Mr. Groce stated there were a few small cell poles that were installed prior to the 2019 Ordinance. Near Collierville High School the cell service had some issues and ATT put up poles around the high school that are wooden poles with the canister on the top, in the public right-of-way. Another new pole example is near Sycamore Elementary School, that was metal and painted black. Painting it black is also part of the ordinance, which will be spoken to again later. One of the reasons why this happened so fast instead of trying to replace an existing light pole is because they had to work with MLGW and would need MLGW approval of what replacement pole would deem necessary. Also, if there is no potential PSS that they can go on, the ordinance says they can go here. If they can't find a place to go, they can install a new metal pole that is painted black or Collierville green.

Mr. Groce gave further details on the role of staff with small cells. Final approval must happen within 60 days of application (75 days if we request a conference or even longer if we get a lot of applications for one provider in lots of places). We have 30 days from application to determine completeness (fees, forms, materials, etc.). A notice of incompleteness "freezes" the time clock. We must ask for a "conference" during that timeframe. If we ask for a "conference," the time clock does not freeze, and the deadline moves to 75 days. Required information, general Planning Application Form, Small Cell Checklist (signed by applicant), MLGW approval of electrical service to PSS (with address assignment), proof owner of PSS agrees to work, Boring (right-of-way use) Permit from Town (application must be made), review fee (amount limits under State Law), construction drawings (with aesthetic plan).

Mr. Groce stated two scenarios per § 117.123 (J) that the Design Review Commission or Historic District Commission would see small cell applications. Unless otherwise provided for in this subchapter, the Town Design Review Commission or Historic District Commission approval, as applicable, shall be required for:

(1) Any wireless provider that seeks to construct or modify a PSS or wireless facility that is determined to not comply with the height, diameter, design, color standards, and expectations set forth in subsections (A) through (I) above.

(2) New PSSs shall not be permitted to be installed in the ROW in areas where there are no existing utility poles, streetlight poles, or PSSs within 1,000 feet at the time of application without prior approval by the Town Design Review Commission, or Historic District Commission, as applicable.

Appeals of DRC decisions go to the BMA per § 151.248.

Appeals of HDC and BMA decisions go to court.

Mr. Groce stated the aesthetics plan to be; any publicly available written resolution, regulation, policy, site plan, or approved plat establishing generally applicable aesthetic requirements within the authority or designated area within the authority. An aesthetic plan may include a provision that limits the plan's application to construction or deployment that occurs after the adoption of the aesthetic plan. Such a limitation is not discriminatory as long as all construction or deployment occurring after adoption, regardless of the entity constructing or deploying, is subject to the aesthetic plan. Colocation on an existing PSS is required by our ordinance, when possible. Small Wireless Facilities and new or modified utility poles shall be similar in size, mass, and color to similar existing facilities and equipment in the immediate area. New wooden PSSs are strictly prohibited. Poles unable to match the design and color of existing utility poles/PSSs in the immediate area or use designed using stealth or camouflaging techniques, to make the installation as minimally intrusive as possible. Stealth poles that are metal need to be black or Collierville Green in color, powder-coated, and not exceed eighteen (18) inches in diameter. The color of the side arm, concealment enclosure, and the electrical meter and disconnect switch need to match the pole. Poles cannot exceed eighteen (18) inches in diameter. The Town reserves the right to

require a streetlight on the PSS. All equipment (electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services that is required for a Small Wireless Facility) must be located within a shelter or case. Such shelter/case cannot extend more than 12 inches past the edge of the pole it is mounted on. All mounted pole equipment (electric meter, disconnect switch, concealment element, box, etc.) must be located at least 8 feet above ground. This is where there may be a conflict as there is a building code that states this needs to be lower to the ground.

Mr. Groce stated where the poles can be located in residential neighborhoods. Poles in residential areas must be located within close proximity to shared property lines along the right-of-way so that they are not in the middle of the lot and in front of the dwelling. Large Lots (larger than 0.75 acre/32,670 square feet): Must be within 25 feet of the property line. Small (smaller than 0.75 acre/32,670 square feet): Must be within 15 feet of the property line. The maximum heights are 10 feet above the tallest existing PSS in place as of the effective date of ordinance located within 500 feet in same residential neighborhood or 40 feet, whichever is greater.

In addition to height limit of the PSS, the Small Cell and its antenna cannot extend more than 10 feet higher. Maximum Height for PSS; a new PSS installed, or an existing PSS replaced in the ROW shall not exceed the greater of: Ten feet (10') in height above the tallest existing PSS in place as of the effective date of this part that is located within five hundred feet (500') of the new PSS in the ROW and, in residential neighborhoods, the tallest existing PSS that is located within five hundred feet (500') of the new PSS and is also located within the same residential neighborhood as the new PSS in the ROW; Fifty feet (50') above ground level; or for a PSS installed in a residential neighborhood, forty feet (40') above ground level. Maximum Height for Small Wireless Facilities; SWF shall not extend: More than ten feet (10') above an existing PSS in place as of the effective date of this chapter; or on a new PSS, ten feet (10') above the height permitted for a new PSS under this chapter. Maximum height non-residential neighborhood, 10 feet above the tallest existing PSS in place as of the effective date of ordinance located within 500 feet in same area or 50 feet, whichever is greater. In addition to height limit of the PSS, the Small Cell and its antenna cannot extend more than 10 feet higher.

Chairman Doss asked if any questions for staff regarding training session.

Mr. Groce stated that Town attorney is also available for questions

Discussion ensued about small cell density to the area. That it is up to the cell provider. They discussed the Germantown cell tower example and asked if that area had pushback from their residents about these towers. A former staff member said that the Germantown residents did express concerns about the design, location, and health impacts. The Germantown Attorney's had to step in remind that health impacts are excluded as a reason for denying cell providers their request.

Discussion ensued about the towers being 5G units, most of what is in Collierville will be 4G. What happens if the 4G unit was replaced by 5G. There isn't much of difference to that equipment and the Town probably wouldn't be able to prevent the replacement from happening, the cell providers would need to apply for new permits, the Town could add a condition of approval that would require any replacement equipment would need to be reviewed by staff.

Chairman Doss asked if any remaining questions for staff or town attorney regarding training session.

Chairman Doss hearing no questions for staff, moved to formal agenda.

FORMAL AGENDA: Started no sooner than 6:00pm

Chairman Doss stated that any citizen wishing to speak tonight needs to properly fill out the blue speaking cards, each citizen will receive three minutes of speaking time or can donate time. Cards are to be presented to Angela.

Chairman Doss stated that each commission has an Alderman. Alderman Stamps is on this commission. Please understand that sometimes cases go to the BMA, therefore Alderman Stamps will most likely abstain his vote.

Mr. Groce stated he will make his presentation, then Verizon will make their presentation. After any questions, citizens will have their time to speak. Once citizens speak, Verizon will have a short time for rebuttal. Then commissioners will have their time for deliberation.

Chairman Doss confirmed if Verizon was in the audience. Chairman Doss stated anyone coming to the podium is required to state their name and address for the record.

6.a. Request for waivers from the Town's Aesthetic Plan requirements for four (4) Verizon Small Cell Towers at the following locations:

Case # 223456 – 1962 Wolf River Blvd.

Case # 223457 – 1659 S. Houston Levee Rd.

Case # 223458 – 1811 S. Houston Levee Rd.

Case # 223459 – 10069 Bushrod Cv.

Mr. Jaime Groce reviewed the Staff report, which is included in the record as an exhibit. Mr. Groce stated he would present all cases at once, however each case will have its own motion and roll call for vote. The applicant is Terra Consulting Group, the Telecommunication Equipment Owner is Verizon Wireless, Property Owner is the Town of Collierville, and the Support Structures are owned by MLGW. Mr. Groce stated that there were public comments, which have been provided and added as Exhibits 5 and 6.

For Case #223456 at 1962 Wolf Rive Blvd., they plan to replace the existing wooden pole. Changing the pole from 44' to 48'. It is getting taller due to the existing overhead electrical lines, which will minimize the risk to anyone while working. Requesting a waiver to not co-locate on an existing pole because the additional weight can't be handled on the existing pole, to replace with a new wooden pole to keep with what is existing to the area, to place the meters and other electrical equipment lower than 8 feet from the ground, they have agreed to paint new equipment and have it blend in, not to have a case to enclose the antenna and equipment as the size of the case would seem more intrusive, and not blend in with the area.

For Case #223457 at 1659 S. Houston Levee Road, they plan to replace the existing wooden pole 43 feet to 48 feet. The light fixture will be lower than others by about seven feet, due to separation distances between all uses of the pole. The diameter increases to almost 13". Waiver request is not to co-locate on existing pole because the additional weight can't be handled on the existing pole, replace exiting pole with a new wooden pole to keep with what is existing to the area, meters and other electrical equipment to be lower than 8 feet from the ground, they have agreed to paint the new equipment and have it blend in, not to have a case to enclose the antenna equipment as the size of the case would seem more intrusive, and not blend in with the area.

EXHIBITS

The staff report and the following:

1. Summary of Requests (11/4/22)
2. Excerpts from TML & MTAS Report on Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018 Summary Excerpts
3. Ordinance 2018-03 (Nov. 2019)
4. Excerpts from Verizon Small Cell Applications (9/29/22):
 - a. Case # 223456 - 1962 Wolf River Blvd.
 - b. Case # 223457 - 1659 S. Houston Levee Rd.
 - c. Case # 223458 - 1811 S. Houston Levee Rd.
 - d. Case # 223459 - 10069 Bushrod Cv
5. Public Comments 11/10/22
6. Public Comments 11/10/22

For Case #223458 at 1811 S Houston Levee, they plan to replace existing wooden pole at same height of 50 feet, diameter increase to 13 feet. Waiver request is not to co-locate on existing pole because the additional weight can't be handled on the existing pole, replace exiting pole with a new wooden pole to keep with what is existing to the area, meters and other electrical equipment to be lower than 8 feet from the ground, they have agreed to paint the new equipment and have it blend in, not to have a case to enclose the antenna equipment as the size of the case would seem more intrusive, and not blend in with the area.

For Case #223459 at 10069 Bushrod, this case is different and has received public comments. At the time of the request the lot was vacant, the lot is currently being built for a new single-family dwelling. They plan on replacing the existing concrete pole (with a new concrete pole) from 26 feet to 40 feet in height and increase the pole base diameter from eight inches square to 14 inches square. Waiver requests are to not co-locate on existing pole because the additional weight can't be handled on the existing pole, meter, and other electrical equipment to be lower than 8 feet from the ground and not to have a case to enclose the antenna equipment as the size of the case would seem more intrusive, and not blend in with the area.

As mentioned in the training we are trying to keep all new PSSs looking a like or as similar as possible to other structures in the area.

There are four separate motions for each location. The first three are identical, with the same requests.

Chairman Doss asked if there were any questions for staff.

Discussion ensued about the Houston Levee Road locations and how one has no light at all and the other being lower how does it affect the illumination. The Town would need to reach out to MLGW and ask if a light needs to be added to the pole currently without one, and on the existing street light MLGW will need to respond if the lower height will impact the safety of the roads.

It was asked to have confirmation from MLGW that they are aware of these cases and changes and their staff has approved each pole design.

Discussion ensued that the minimum requirement of eight feet from ground level of meter and other electrical equipment will need to be revised in our ordinance at some point as the eight feet does not comply with MLGW standards, and the electrical code.

Clarification was made about the requirement to shelter or encase equipment; the language was written with the thought that tower itself would house some of the equipment already with a small cabinet/case on top of the pole.

Clarification was made about the ordinance and the pole needs to be within fifteen feet of the property line.

Clarification was made about the language of the ordinance, and it states no new wood poles are allowed, but the intent of the BMA may have been for that to apply only to new standalone poles. But for a situation like this maybe keeping the material the same as existing pole being replaced is what is needed.

Discussion ensued about the development on Byhalia Road and how all the poles there had to be steel and painted Collierville Green and that is a possibility of how the language was decided for the ordinance to state no new wood poles in an area like that. The ordinance, as written, would not allow for a new wood pole to replace a steel pole in that area.

Mr. Groce stated it has taken a lot to get to this point for these four cases, it might be worth taking the time to decide if we need to change some language in the ordinance based off of these four cases to help expedite future requests. There is likely to be another 200 of these from cell providers in the near future.

Discussion ensued about placement of the powerline for case #223458, and that it is three-tiered pole to accommodate above ground power line.

Hearing no further questions, Chairman Doss asked the applicant to come forward.

Stephen Sullivan, 405 Two Mile Pike Suite E Goodlettsville, TN, 37072, with the Terra Consulting Group. We have been working with MLGW on the design of the pole. The designs submitted were approved by MLGW, it was MLGW that stated an encasement for the equipment would not work be acceptable by them. That is the reason for that waiver request of all equipment does not need to be located within a shelter or case. Verizon also does not want to add to the inventory of poles in any right-of-way.

Chairman Doss asked if there were any questions for the applicant.

Hearing no questions, Chairman Doss asked to have the motions with waivers on screen.

Discussion ensued for concern about setting a precedent. Mr. Groce said one might argue or precedent, but in reality, that would not impact the future. Each waiver case is presented with its own evidence for discussion and decision. He noted that, with other parties involved, such as MLGW and their standards of approval, and how quickly telecommunication technology advances, there could be cause to update the language in the Town's ordinance.

Chairman Doss asked if there were any questions for staff and applicant for Motion #1Case# 223456

Hearing no further discussion, Chairman Doss called for a motion.

Motion by Commissioner Donhardt, and seconded, Case# 223456 To grant the following waivers from the Town's Aesthetic Plan for a Small Cell Tower (SWF) located at 1962 Wolf River Boulevard:

1. Colocation on an existing PSS is not required.
2. A new wooden PSS will be allowed.
3. Meters & other electrical equipment may be lower than 8 feet from ground level.
4. All equipment does not need to be located within a shelter or case.
5. Any changes made to the tower need comply with the Town's standards and submitted to staff for review.

Chairman Doss asked if there was any further discussion.

Hearing no further discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Peeler	Lawrimore	Hepner	Donhardt	Stamps	Lawhon	Doss
Yes	Yes	Yes	Yes	Abstain	Yes	Yes

Motion Approved.

Chairman Doss asked the slide for Case #223457 1659 S. Houston Levee Road be displayed on monitor.

Mr. Sullivan spoke to the lighting, that MLGW did look and review the lighting and the earlier concerns about

sufficient lighting have been address by MLGW. This pole is a primary pole and is approved by MLGW. In the wireless industry we have three terms, new means adding to pole inventory, replace means replacing existing pole and then co-locating on it, attach is a pole exists and everything meets the standards.

Chairman Doss asked if there were any questions for staff or applicant.

Chairman Doss asked for a motion

Motion by Commissioner Lawrimore, and seconded, to recommend Case #223457 to grant the following waivers from the Town’s Aesthetic Plan for a Small Cell Tower (SWF) located at 1659 S. Houston Levee Road:

1. Colocation on an existing PSS is not required.
2. A new wooden PSS will be allowed.
3. Meters & other electrical equipment may be lower than 8 feet from ground level.
4. All equipment does not need to be located within a shelter or case.
5. Any changes made to the tower need comply with the Town’s standards and come to the town for review

Chairman Doss asked if there was any questions or further discussion.

Hearing no further discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Hepner	Donhardt	Stamps	Lawhon	Peeler	Lawrimore	Doss
Yes	Yes	Abstain	Yes	Yes	Yes	Yes

Motion Approved.

Chairman Doss asked for Case #223458, 1811 S. Houston Levee Road to be displayed on monitors.

Chairman Doss asked if there were any questions for staff or applicant.

Hearing no questions Chairman Doss asked for a motion.

Motion by Commissioner Hepner, and seconded, Case #223458, To grant the following waivers from the Town’s Aesthetic Plan for a Small Cell Tower (SWF) located at 1811 S. Houston Levee Road:

1. Colocation on an existing PSS is not required.
2. A new wooden PSS will be allowed.
3. Meters & other electrical equipment may be lower than 8 feet from ground level.
4. All equipment does not need to be located within a shelter or case.
5. Any changes made to the tower need comply with the Town’s standards and come to the town for review.

Chairman Doss asked if there was any further discussion.

Hearing no further discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Donhardt	Stamps	Lawhon	Peeler	Lawrimore	Hepner	Doss
Yes	Abstain	Yes	Yes	Yes	Yes	Yes

Motion Approved.

Chairman Doss asked for Case #223459 10069 Bushrod Cove motion be displayed on screen.

Mr. Sullivan stated there is not much to add to this case. Verizon tries to attach to existing structures in the right-of-way.

Chairman Doss asked if there were any questions for staff or applicant.

Question was asked how this location was selected by Verizon.

Adam McElveen and Lee Jordan, 60 Crooked Oakland TN, stated when evaluating area, Verizon looks at the area that would give the most benefit. These locations fit to help augment the capacity by the macro tower in the area, as it is being heavily used.

Discussion ensued about whether there is another area that would be better. Part of the mapping is not only trying to stay within the guideline of using existing structure to avoid adding any new inventory of poles to the right-of-way, but it is also making sure that one co-location or new pole is not interfering with one another.

It was discussed that there are MLGW approved pole designs adequate for all levels of; 4g, 4g&5g, and 5g only. It was stated that if the pole looks the same and reviewed by Town staff then that would be sufficient and should not need to be presented to DRC.

Chairman Doss asked if any questions for applicant or staff.

Mr. Groce wanted to clarify that the existing pole is being replaced. That is where some of the terminology varies between the applicant and town. The pole that is there now will be replaced with a larger pole.

Chairman Doss asked any more questions for staff or applicant

Chairman Doss announced now is the time for citizen comments

Nadim Diddiqui, 610 Windsor Park Lane, Collierville TN, stated he opposes the site location, stated he is the owner of lot where the pole is being built. The pole will change the aesthetics of the neighborhood. Provided a photo rendition of what the pole will look like in front of his house, which is under construction.

Jeff Kelsey 10091 Bushrod Cove, Collierville TN, stated he was here on behalf of the homeowner's association. That they have HOA design committee, they take the aesthetics of the neighborhood very seriously, that there is an architecture review committee for new homes being built. He stated that they aren't just replacing a pole. The replacement pole will be 40 feet in height and will be almost 15 inches square, the diagonal of the pole will be 21 inches wide. It isn't just the aesthetics; it is an eye sore. Every house in the neighborhood will be able to see the small cell pole. This is not a good idea; it detracts from the neighborhood. We have consulted a realtor that has the opinion it could affect as much as 7% of the resale value of the properties near the pole. The idea that this the perfect spot, is not true. There are poles on larger throughfares that could be considered instead.

Chairman Doss asked if there were any questions for Mr. Kelsey.

Shane Norman 10075 Bushrod Cove, Collierville TN, addressed the front yard implications of the pole and the way the road is structured with the curve, that the line-of-sight location of the pole would split his home in half.

Chairman Doss asked for discussion regarding 10069 Bushrod Cove and to put the motion on the monitor.

Discussion ensued about the location of the pole. The applicant explained that to attempt to place a co-location in the larger throughfares would not solve the issue of getting service to the residents of Collierville. There are more requests for this pole design in other residential areas that area all specifically placed to not interfere with one another and provide the necessary service to residents. The co-locations also need to be properly placed away from foliage to allow the signal to properly reach resident's homes. The mapping design was drafted on how best to service residents in their home for the customer.

The applicant was stated that the design of the pole was based on the engineering and safety for use of the pole with the intended equipment. This pole design has been used throughout Shelby County.

Citizens spoke directly out to the applicant from seats. Chairman Doss reminded that any comment is not in front of a microphone and will not be on record. Refrain from speaking in your seats.

Discussion ensued about getting with the residents to get a more aesthetic pleasing design for residential neighborhoods. Mr. Sullivan stated that currently there are only three approved pole designs from MLGW. Mr. Sullivan stated that to sit will residents over the placement of pole would delay progress, that is why the State Legislature passed the law to allow wireless companies to not get stuck in situations of redesigning to everyone's neighborhoods, as that would take years and years.

Chairman Doss stated that whenever there is controversy that we ask applicants to meet with staff and the opposing party to attempt to resolve an issue. We will abide by State Law. Cases like these need to be looked at on a case-by-case basis. It needs to be fair for everyone.

Chairman Doss asked for any more questions or comments

Mr. Groce stated that deferral is an option, however we must be cautious of the shot clock. The shot clock ends on Dec. 12th. If the DRC defers, the case could come back to the DRC on the 8th and then possibly be denied and go to the BMA on Dec. 12th. There is a concern of the shot clock running out as the Town is still having some discussion with ATT about an expired shot clock on a separate pole.

Discussion ensued if a motion is made to defer a requirement for the applicant to meet with the homeowners to work towards a solution. It was asked if Mr. Sullivan and Verizon would agree to meet with the homeowners? Mr. Sullivan stated that he could not speak on behalf of Verizon but could take this question back to them for consideration.

Discussion ensued if the motion could be made to defer the case. Attorney Bicks stated any motion has to be made in the affirmative. It was further discussed that it is not required to have consent from the applicant to defer. If a motion is made to defer, it needs to be stated with conditions for the applicant to do before the next meeting. It was asked for Mr. Sullivan to return to the podium to answer for the record if they prefer and an answer on the motion or would be able to accommodate a deferral? Mr. Sullivan stated that he does not have to have an answer tonight and doesn't have an issue if the case was deferred. Attorney Bicks suggested it might be cleaner to vote, and if they turned down the request they can appeal directly to the BMA. Mr. Sullivan stated that if the residents are willing to also meet and come to a decision that there is a better pole design with a more favorable location within the subdivision that he would like to meet and find that compromise, but if they are not and are against this project all together than deferring would just be a waste of time.

Mr. Kelsey stated this is all hypothetical. We would meet and talk but it doesn't seem like there are many design options that are approved by MLGW. Mr. Kelsey further stated that the issue is this approved MLGW pole and

if there are hundreds of these being consider for the Collierville area you will need to figure out something on the front end or you will be reviewing each of these cases for this amount time. We are not unreasonable, and other neighborhoods are going to have the same opinion.

Discussion ensued that Verizon has other pole designs for poles they own that they can install on their own. There are only three approved MLGW co-location poles designs. Verizon can install a new pole that would draw power from MLGW. It was asked how tall a Verizon small cell tower pole is, it was stated that it would have to be 37 feet.

Mr. Siddiqui asked if he could speak again. With permission from Chairman Doss Mr. Siddiqui approached the podium and stated that deferring isn't solving much that a vote on the motion should be made.

Chairman Doss asked if anything else from Town staff or Town Attorney

Discussion ensued that there needs to be a motion. The DRC could defer, however if the shot clock runs out then the applicant claims State Law and do what they need to do for their project. We cannot make motion to move the pole.

Motion by Commissioner Lawhon, and seconded, to recommend Case #223459 To grant the following waivers from the Town's Aesthetic Plan for a Small Cell Tower (SWF) located at 10069 Bushrod Cove:

1. Colocation on an existing PSS is not required.
2. Meters & other electrical equipment may be lower than 8 feet from ground level.
3. All equipment does not need to be located within a shelter or case.
4. Changes to the approved tower needs to come back to staff.

Chairman Doss asked if there was any further discussion.

Hearing no further discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Stamps	Lawhon	Peeler	Lawrimore	Hepner	Donhardt	Doss
Abstain	No	No	No	No	No	No

Motion Denied.

Chairman Doss said you can come back with a different design or go to the BMA for an appeal. He thanked the citizens for coming out to night.

Other Business:

Mr. Groce gave an update on the December 8, 2022, DRC at which they could see the Collierville Medical Clinic (Villages at Strathmore) Preliminary Site Plan

The meeting was adjourned at 7:50 pm.

Angela Gizzarelli, Administrative Specialist Sr.