

# The Call of The Pewee

*December, 2001*

Volume 33, No. 12

PEWEE VALLEY, KENTUCKY

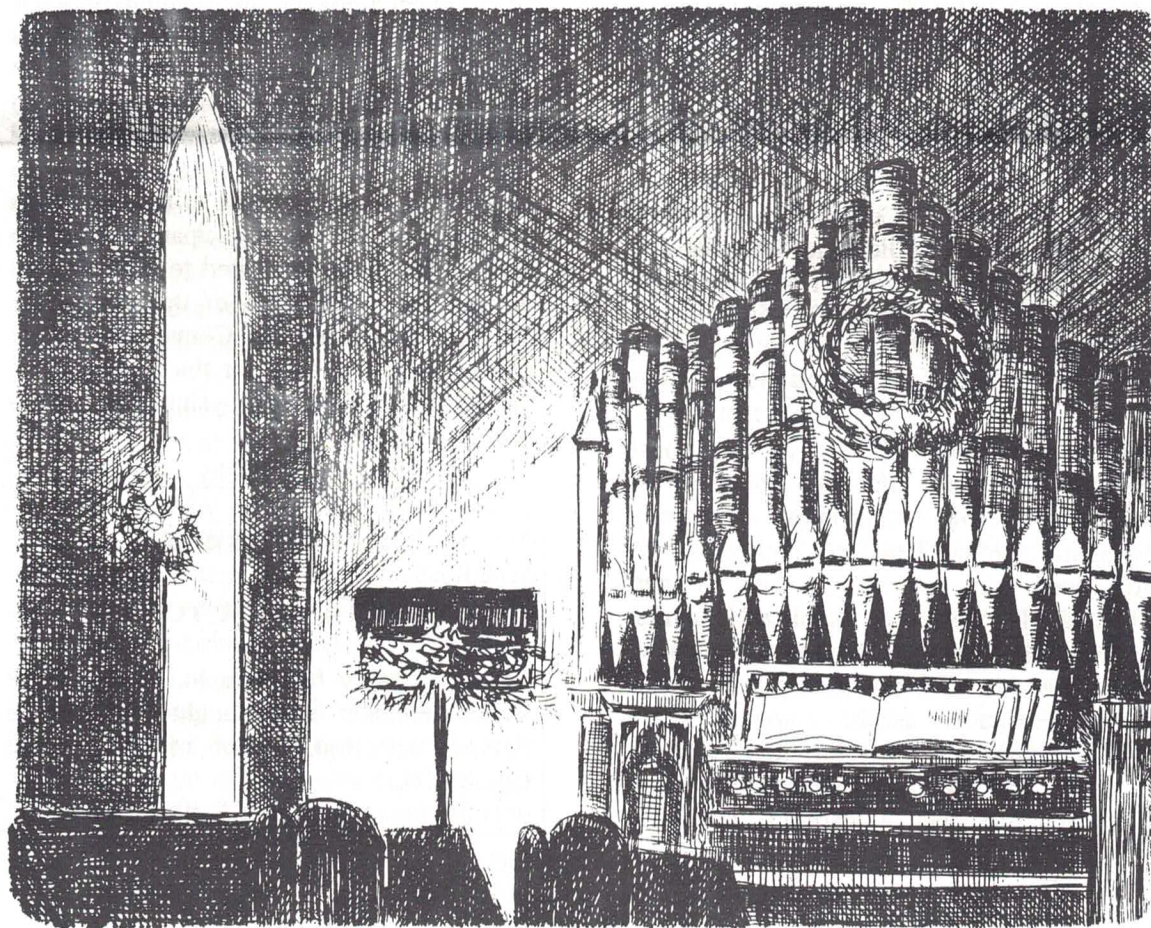
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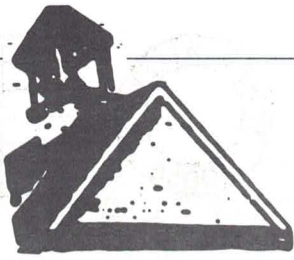
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# Our Town



Barbara Webster, City Clerk

## DECEMBER COUNCIL MEETING

The twelfth regularly scheduled City Council meeting for the year 2001 was held December 3 at St. Aloysius School, to accommodate a public hearing on the matter of the proposed cell tower. In attendance were Jim Marquardt, Suzanne Schimpeler, Peter Johnson, Kevin Fuqua, Nathan Stewart, Roy Smith and Mayor Jim Kincer. Also in attendance were Barbara Webster, City Clerk, and City Attorney John Frith Stewart. The Mayor opened the meeting with the Pledge of Allegiance. Regular and new business of the Council was addressed prior to the public hearing.

### FALL LEAVES

Mr. Stewart reported that an additional company had been hired in November to supplement the collection company originally hired. There are 25 homes that still need leaf collection. The Council directed Mr. Stewart to break the contract with the first company for non-performance, after obtaining legal advice. Mr. Stewart has also has contacted another company which will pick up a few yards at a time. Council members acknowledged that this year's leaf collection had been a learning experience

which will need to be evaluated prior to proceeding with annual collection.

### OTHER BUSINESS

No police report was given at the meeting.

Mr. Smith announced that the new city signs have been installed on the caboose and also that the new batch of city street signs will be installed next week.

Mr. Johnson is still working on having the utility pole at Central Ave removed. He is also working with Rumpke to obtain a commercial pickup rate.

Ms. Schimpeler reported that after investigating the safety issues involved with having new downtown merchants be open for the Holiday Festival, it was determined that the OCPD could not ensure protected crossing of Hwy. 146, and so the merchants were not invited to participate with open houses; they will be invited to set up tables on the Town Hall side of the street. Ms. Schimpeler assured the Council that there will be plenty of food for the Festival this year and that the St. Aloysius Men's Club will be serving.

### COVER PHOTO

#### PEACE AND JOY TO YOU

Sketch by Mary Johnston, long-time Pewee Valley resident and daughter of Annie Fellows Johnston, author of "The Little Colonel" series.

The Mayor's nomination of Paul Culbertson to serve another term on the Oldham County Planning and Zoning board was unanimously approved by the Council.

### **PUBLIC HEARING**

The regular business before the Council having been concluded, Mayor Kincer announced that the format for the hearing would be, first, questions from City residents, followed by questions from all others; then, comments from City residents, followed by the comments of others. The Mayor introduced David Pike, attorney for Crown Castle, and Mark Salvo, senior RF Engineer for Cingular Wireless.

After a summary by Mayor Kincer of the City's efforts to date to address the issue of the proposed cell tower, the following questions were heard:

- What is the minimum strength of signal acceptable? Mr. Salvo responded that sites outside the search area were unacceptable based on the minimum strength of signal and potential interference. He distributed a map showing two existing towers with Cingular antennas which are located four miles apart and stated that a tower needs to be located between the two existing towers at a distance of two miles in each direction, which would place it within the Pewee Valley search area. The goal is to keep the height of the tower at less than 180 feet so that it will not have to be lighted under federal regulations. The tower would be flat gray in color to blend in.
- Is Cingular the only company requesting a cell tower in this area? Mr. Pike responded that cell companies have to utilize space on existing towers before new towers are built. There are no commitments

from other companies wishing to put their antenna on this tower, but there has been strong interest. There have been numerous customer complaints about poor service in this area, and drive tests confirm lack of coverage.

- What are the health hazards from a cell tower? Mr. Pike answered that the FCC has preempted the issue of health concerns with respect to cell towers. He distributed reports concluding that the radiation level of cell towers at ground level is zero.

- What size is the lot that the City proposes to purchase to locate the tower on? Mayor Kincer answered that it is less than an acre and that Planning and Zoning has advised that the proposed usage would have to be approved by the Board of Adjustments and Appeals.

- Will ultra wide band technology make this kind of tower obsolete, and, if so, who is responsible for removal of the tower? Mr. Pike responded that Crown Castle is obligated to dismantle an obsolete tower, but implementation of ultra wide band technology will require additional towers to accommodate more, not fewer antennas.

- Is the property the City proposes to purchase close to historic landmarks? Ms. Schimpeler replied that it is.

- Does the Public Service Commission have the power of eminent domain to take property for cell tower purposes? Mr. Pike responded that it does not.

- Has the Council done any independent study of pertinent health issues? Mayor Kincer responded that he has talked to other communities where towers are located and is satisfied that they have found no health issues.

- Will a road be built to access the cell tower? Would that result in drainage problems? Mr. Stewart replied that the City would look into any potential drainage problems with the subject property.

- Representatives of the Salem Assembly of God church, the original proposed site for the tower, asked why the Council wants to move the location to the lot behind City Hall: Have you thought of discrimination and stealing from one location to another? Is there any difference in strength of signal if the tower is located at the church or across the street? Which location would be less conspicuous? Mr. Salvo said that both sites were comparable from a signal standpoint. Mr. Pike replied that he felt the location behind Town Hall would be less conspicuous.

The following comments were presented:

- Cell towers will be replaced by satellites. Cell towers will be obsolete in a few years. We were hoping the city council would fight having the tower located anywhere in the City.

- Pewee Valley has a charm that Crestwood lacks. If the cell tower has to be built, ask for the smallest footprint feasible, like 100 - 110 feet. Work with Planning and Zoning to limit height of tower to 100 feet or less.

- Viewing the tower as a revenue raiser for City is short-sighted.

- The Council should find a way to block the tower instead of compromising with Crown Castle by way of non-compliance because in a historical community.

- We don't know enough about health issue and the tower would be close to two schools.

- If the tower were lower, it could be located in the church steeple. It should be located at the church so revenue will benefit evangelism.

Hearing no further comments, the Mayor recessed the meeting until December 10<sup>th</sup> at 7:00 p.m.

### RECONVENED MEETING

Kevin Fuqua, acting Mayor, announced that the City Council meeting was back in session on December 10, 2001, at 7:00 p.m. Mayor Kincer was absent during the beginning of the meeting, but present later. Also in attendance were Peter Johnson, Suzanne Schimpeler, Nathan Stewart, Roy Smith, City Attorney John Frith Stewart and City Clerk Barbara Webster.

### CITIZEN CONCERNS

Questions were raised about the cost to the City to acquire the property behind Town Hall for the proposed cell tower and what revenues might be expected. The City does not know the cost yet, but the ultimate goal is not to cost the City anything. The City would be the owner of the property to be acquired. It is the intention to recoup the cost of purchase from the revenue received from Crown Castle. A citizen inquired whether the cell tower company can locate in the City against the wishes of the residents; it is the opinion of the Council that it can.

A citizen stated that the City as our representatives should satisfy itself concerning health issues and the impact on historical assets. The City has an obligation to look into such issues since it is considering purchasing land for the purpose of entering into a contract with a cell tower company. Ms. Schimpeler reported that Council members have been given research concerning cell tower radiation; she suggested that the research be given to Michelle Pasino, who is a researcher with U of L, for an objective analysis. Attorney Stewart replied that, by statute, the FCC is the agency responsible for assessing cell tower health concerns, not local authorities; the research should be sent to the attention of the FCC. Ms. Schimpeler then reported on her attempts to find other communities who have been successful in blocking cell tower construction due to being located in an historical community. There were two interventions in Ohio, but it is rare.

A citizen asked what time frame the City has in which to make a decision. Mayor Kincer responded that if the City does not act, the cell tower company will build across the street.

Another citizen requested that the Council spend some money to fight the location of the cell tower, as the organization ENACT was prepared to do. Mayor Kincer asked, do you think the church would change their mind and not allow the tower to be located there? A citizen replied that he believed the church would have found support within to get the tower moved outside City limits. Mr. Fuqua noted that if it weren't for the Church allowing the tower on their property, we wouldn't be here tonight.

The meeting was briefly recessed while the Council went into executive session to discuss potential litigation and the purchase of real estate, in accordance with the Kentucky Open Meetings statute.

When the meeting resumed, the Council authorized Mayor Kincer to enter into an agreement with Comi Telecommunication Services for consulting purposes relative to the cell tower location, height and other pertinent issues, subject to approval by the city attorney. The consultant, Richard Comi, will be hired on an hourly basis to review and research cell company coverage and location of tower, with recommendations to the Council.

The meeting was recessed until 7:00 P.M. on December 21, 2001, at which time the recommendations of the consultant will be reviewed.



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## DEEDS

Larry G. Curry Builders Inc. to Joseph and Alice Cecil; 117 Rest Cottage Lane; \$572,618.00

William and Ann Boone to RHF, LLC; 317 Ash Avenue; quitclaim, \$10; original price: \$50,000.00

Jean Marlowe to Dean and Lisa Cibotti; 143 Rosswoods Drive; \$205,000.00

John Oldfather to Gerald and Leslie Minnis; 7409 Powhatan Lane; \$240,000.00



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Editor's pick of the month: **NOT The Correction**, by Jonathan Franzen. Despite being this year's National Book Award winner and an Oprah Book Club pick, which Franzen disdained. Utterly bleak and depressing.

Spouse's pick: Another Robert Parker candy cane: **Death in Paradise**. Just the thing for light holiday reading.



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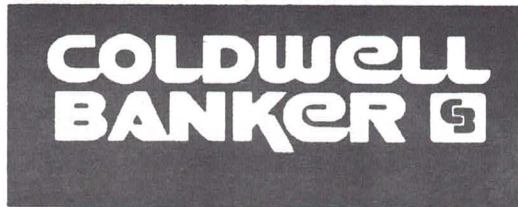
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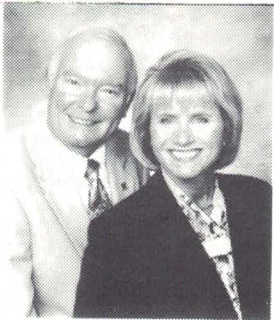
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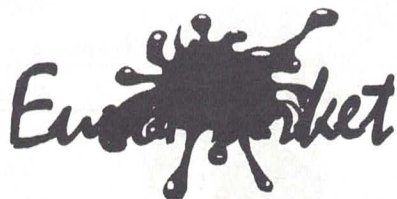
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The following is reprinted from the December, 1976, issue of *The Call of the Pewee*, as is the picture on the last page of this issue:

### Christmas At Clovercroft

YEARS ago when the trains passing through Pewee Valley were more frequent there were many "tramps" who "rode the rails." No doubt the Matthews home, "Clovercroft," at the corner of Ash Avenue and La Grange Road was an inviting home. Many of the wayfarers stopped at the back door there and asked for something to eat. One "tramp" seemed to come each year about the same time. He was especially remembered because he always asked for a sandwich with some meat in it — not any peanut butter and jelly. A tin can that he carried he asked to have filled with milk. Usually the strangers would sit on the steps eating the food and often asked for a second handout, but this particular man always took the food and went immediately down the path to the gate. One year the Matthews watched the "tramp" as he went on his way. At the gate a dog eagerly waited for the meat sandwich and can of milk. This was the last time he called at their door but his gentle nature and unselfish love for his dog were never forgotten. No one knows what happened to him and his devoted companion.



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