Call to Order – Meeting called to order at 7:08 P.M.

Pledge of Allegiance – by all present

Roll Call – Gretchen Rice-present, David Kolka-excused absence, David Vermeesch-present, Doug Warner-present, Bob Harig-present.

Approval of Agenda – Vermeesch asked to add “Review theCharlevoix County Planning Commission response to the Agriculture Ordinance” to New Business. MM by Warner to accept the Agenda as amended, 2nd by Rice. Motion carried to approve amended Agenda 4-0

Conflict of Interest – Vermeesch stated he was going to remove himself from the 2nd Public Hearing, 00434 Old Dixie Hwy, since his property is within 300’ of property line. He is also going to remove himself from 1st Public Hearing, 18949 Richardson Rd., since the 1st S.U.P application is from the same Provider, Cherry Capital Connection.

Public Comment - None

Approval of February 8, 2016 Meeting Minutes – MM by Warner to approve minutes as presented, 2nd Rice. Motion carried to approve Minutes 4-0.

Zoning Administrator’s Report – ZA Report read by Acting ZA, Frank Hamilton

New Business –

Discussion of the Response from the Charlevoix County Planning Commission on the updates to the Norwood Township Agriculture Ordinance that was submitted to the County PC for their review and recommendations. The County PC unanimously recommended the approval of the Ordinance amendments. Planner Meyers read some of the recommendations from the County PC suggesting additional S.U.P provisions. MM by Warner to pass on the Norwood Township Board for approval of the Ordinance amendments, 2nd by Rice. Motion carried 4-0.

Telecommunication and Wireless Tower discussion. Regional overview brief given by Tim Maylone of Cherry Capital Connection. Review of ordinance Section 3.27 and Section 7.03.12 and discussion on how it pertains to Telecommunication and Wireless Towers. Planner Meyers gave an overview of draft and how the she came up with some of the changes on the draft, i.e., Michigan Zoning Enabling Act of 2012. Vermeesch suggested to the Planning Commission that they review and there will be discussion at the next PC Meeting.
Old Business –

Vermeesch removed himself as Chair during this Special Use Permit Public Hearings due to conflict of interest. Secretary Doug Warner stood as Chairman since Vice Chair David Kolka was absent.

128’ Wireless Internet Tower, 18949 Richardson Rd, Worden property Special Use Permit application Public Hearing.
Public Hearing opened at 7:55 p.m.
Tim Maylone of Cherry Capital Connection gave presentation for Special Use Permit application for Worden property asking to erect a personal Wireless Tower at said property. Warner acknowledged that there were letters of opposition of this S.U.P. application put into record from the following:
Michael & Linda Raker, 19135 Richardson Rd, Charlevoix, MI
Ray & Vera Raker, 19759 Lake St, Charlevoix, MI
Steve Anderson, 18665 Richardson Rd., Charlevoix, MI
Charles Schilling, 1, 3, 4 & 5 Lighthouse Lane, Charlevoix, MI

Public Comment was as follows:
Bill Sarver, 363 Knollcrest, spoke in opposition of Ciesielczyk property and would rather have tower erected at the Worden property and was in favor of township having internet access.
Pat Chamberlin, Norwood Township resident, asked Mr. Maylone for clarification of where the tower would be erected.

David Vermeesch, Sr, 18129 Gennett Rd, spoke in favor of the Worden property and felt the PC as to follow the recommendations of the Master Plan. He supports the internet service and encouraged the PC to approve the S.U.P.

Duane Lawton, 135 Knollcrest, encouraged the Worden property and see how trees could shield the tower so there would not be a problem and it gives the residents the opportunity for internet access.

Jim Furlong, 4495 Lakeshore Dr., had technical questions regarding whether there would be an issue with 300mb of service would there be enough power if several people streaming at one time. Mr. Maylone addressed his question.

Gwen Saria, 465 Knollcrest, spoke in favor of Worden property as long as neighbors all agreed.

Mike Raker, 19135 Richardson Rd., stated his home was right in front of the proposed location so he was not in favor of the Worden location.

Bruce Roar, 00245 Knollcrest, stated he was happy his neighbors were supporting the Worden Site but questioned if the Worden Site was approved then would the Ciesielczyk site be turned down by the PC or approved. Acting Chair Warner stated this would depend on if Mr. Maylone continued with the S.U.P application on the Ciesielczyk property. He said he
was opposed to the Ciesielczyk site. He also was concerned about the Site Plan submitted and whether a Bond would be issued for the work.

Lynn Smolenyak, 189 Knollcrest, prefers the Worden site and appreciates Mr. Maylone looking into another possible site. Was concerned about the Lake Michigan views being obstructed and felt the PC should work on keeping the views intact.

Public Hearing Closed at 8:15pm.

Discussion from PC included Planner Meyers explaining to audience what the PC would be expecting from the applicant. Meyers had concern about shielding the base of the tower and she also was concerned about the removal of the tower if that instance comes up in the future. Mr. Maylone addressed these issues and said it is addressed in the contract with the property owner and Acting ZA Hamilton felt that since the tower is out in the middle of a 30 acre field landscaping would not be necessary.

MM by Bob Harig to approve the Special Use Permit Application to erect a Wireless Internet Tower at 18949 Richardson Rd., Charlevoix, MI by Cherry Capital Connection, 2nd by Rice. Roll call vote, Harig-yes, Rice-yes, Warner-yes. Motion carried 3-0 to approve S.U.P. for the wireless tower on the Worden property at 18949 Richardson Rd., Charlevoix, MI.

128’ Wireless Internet Tower, 00434 Old Dixie Hwy, Ciesielczyk property Special Use Permit Application discussion. Mr. Maylone stated he still has interest in this property and has paid fees for the application. He stated he would withdraw the application if the Worden property serves his needs and his S.U.P application fee is refunded to him. Warner told Mr. Maylone that refunding the fees would be the decision of the Township Board. He also stated that since the Worden S.U.P was approved and if the Board agrees to refund his fee he will withdraw the application but not until that decision is made. He agreed to remove from agenda for this meeting. Planner Meyers addressed the PC stating that there is an S.U.P. application in front of them that was presented over 60 days ago so the PC must act on the application or it is automatically approved according to the 2012 Sequester Act. Mr. Maylone stated he has asked to take the S.U.P. off the table so there should be no concern but Meyers was concerned about the legal ramifications. Mr. Maylone stated Federal Law states that since it has been over 120 days since the Pre-Application then it could be automatically approved and Mr. Maylone suggested the PC review these laws which he stated he has emailed the ZA and the PC. Warner stated the PC considers the application withdrawn and the Township Board will decide about the refund.

At this time Vermeesch returned to the Chair and thanked Warner, Mr. Maylone and PC for the process.

Announcements & Correspondence – Previously presented letters from concerned township property owners and the annual notice from St. Mary’s Cement on when they are going to be mining.

Next Planning Commission meeting will be April 11, 2016 at the Norwood Township Hall.
Public Comment –
Ray Bier, Norwood Township resident, stated he felt Norwood Township has been quite hospitable to Mr. Maylone.

Marion Light, Norwood Township resident, felt the tower would go against the historic value of the Norwood Village.

Kirk Wilson, Norwood Township resident, stated he has had High Speed Internet from COLI and questioned why COLI was not considered for Internet service in Norwood Township.

Donna Vermeesch, Norwood Township resident, Thanked Mr. Maylone and the PC for their work on the tower issues and supported the Township Board refunding Mr. Maylone his application fees.

Tim Maylone, Cherry Capital Connection, explained the fiber along US 31 and how Charter is the only company that has Fiber that can be used and he also explained that in 2017 the large carrier, ie. AT&T, Verizon, etc. are not required to offer services in this area any longer. Mr. Maylone also thanked the residents of Norwood Township and apologized to the PC for some of his earlier comments.

Jim Furlong, Lake Shore Dr., spoke in support of Mr. Maylone.

Lynn Smolenyak read the Public Notice from tonight’s meeting and it did state that one or the other of the applications would be approved, not both. Vermeesch addressed this and he said since the Worden application was approved he felt the PC recognized the other application would be withdrawn however Mr. Maylone spoke up and stated this would not be the case until the refund was approved.

Frank Hamilton, Acting ZA & Township Supervisor, addressed the 60 day rule for the first application and stated that there was a fair amount of pushback in regards to the Old Dixie Hwy site so that other area township setbacks could be reviewed. Mr. Hamilton suggested the ZBA review and possibly grant a variance to change the tower setbacks from 300% to 100% at a ZBA meeting set for March 31, 2016 which would allow Mr. Maylone to possibly move the tower enough to minimize the Raker’s view of the tower.

Marion Light asked how it would affect anyone on the Ridge and Vermeesch addressed that stating if a variance was granted then it would make the tower even more obscure.

Mr. Roar stated he was concerned about the first site and said as he understood it he felt Cherry Capital can go ahead and put a tower up on the first site and the residents don’t have anything to say about it. Vermeesch asked if he was speaking about the Dixie Hwy site and Mr Roar stated yes. Vermeesch responded, “I don’t think that is true, no I don’t believe that’s true”.

Meeting Adjourned at 8:45 p.m.
Submitted by Shari M. Jones, Recording Secretary