

**Barry County Planning Commission
Meeting Minutes
March 25, 2024**

The meeting was called to order at 7:00 p.m. by Chairperson John LaForge in the Community Room of the Tyden Center located at 121 South Church Street in Hastings.

The Planning Commission members in attendance included: LaForge, Jack Miner, Jack Nadwornik, Dave Hatfield, Joyce Snow and Juli Sala. Those also in attendance included: Julie Campbell, Amy Rodriguez, Eldon Shellenbarger, Mary Surko, Ron Reddick and other interested people.

Motion by Nadwornik to approve the agenda as printed. Support by Hatfield.
All ayes – motion carried.

The Planning Commission reviewed the minutes of February 26, 2024. Motion by Hatfield to approve the minutes as corrected. Support by Sala. All ayes - motion carried.

BUSINESS

Special Uses

LaForge explained the procedures of a public hearing.

**Case No. SP-04-2024
PR-02-2024**

**Telecad Wireless on behalf of Towerco
(Applicant)
Carlton Township (Property Owner)**

LaForge recessed the Planning Commission, opened the public hearing, and asked Telecad Wireless to present the request.

Amy Rodriguez of Telecad Wireless presented the request. They would like to construct a wireless communication antenna (tower), (197' Monopole) to be located within a 75' x 75' lease area. The subject property has plenty of tree coverage and a monopole will be set behind the building and near the trees. Tower is designed to accommodate a minimum of 3 carriers. Verizon plus 2 additional added in the future. The closest tower is ½ mile away. They had discussions with the tower co (Southern MI Tower). It was stated by the tower company, the tower in question does not have structural capacity to handle additional weight.

Rodriguez continued they have provided coverage maps so this will increase service to homes in the area and people out driving. They do obtain all governmental approvals before construction begins.

LaForge asked if anyone wished to speak in favor of the request. There was no response.

LaForge asked if anyone was opposed.

Eldon Shellenbarger owns property within 193 ft of the Township Hall property line. There are other houses closer than his. The township hall is in a residential neighborhood. Shellenbarger has concerns regarding: Telecommunication; TV airways, CB and Hamm Radio, etc... When Fillmore Equipment, now Greenmark, built it affected telecomm., and airway TV stations. The building blocks sunlight, and he has researched that. It lowers property values by 20%.

Mary Surko questioned on how the contracts are being struck, rental, are they looking over the contracts they are entering into with cell towers. How is that all going to work. Really we should be concerned about revenue, not just the rental. We should get a taste of how they will profit from this. Would this tower drive down property taxes. Is it a done deal between Brad and the township.

Rodriguez addressed the concerns. The lease was reviewed by the township. Monthly rent will be paid to the township. Can't speak to how they handle the revenue for the township.

Rodriguez noted the signals have no impact on CB or Hamm Radio. Verizon has their own frequency. We get FAA, FCC approval, close to 30 government approvals. Before we begin all requirements are met. Regarding tornadoes, towers are built to withstand hurricanes. The towers are built to collapse on themselves. All the tower companies have major insurance. Reports on property values can be found online for and against property values increasing. This tower will increase service, people want to be where there is better service. The closest residence is about 260 ft from the tower.

LaForge closed the public hearing and reconvened the Planning Commission.

Miner asked if she was the person speaking with Brad Carpenter. He had been privy to conversations, second hand. They would like to have better cell coverage in the area. Miner asked about the minimum of co locating 3 additional towers.

Rodriguez noted, the tower is built to accommodate 3 towers. Generally other carriers are interested and a structural analysis is done when needed. They may have to reinforce the tower to add additional carriers.

Miner noted there is a bond requirement?

Rodriguez stated Telecad is more than happy to provide that. She questioned when it was required and the amount.

LaForge stated Jim would answer but he is not available until April 1, 2024. When you get permits, bonds are normally discussed at that time.

Miner thought the bond would be \$10,000.

Nadwornik asked the projected life of the coverage the tower would provide.

Rodriguez noted up to 50 years.

Nadwornik noted the range shrinks over time.

Rodriguez stated as frequencies change the tower will be updated. As capacity weakens, they will upgrade antennas. This will increase output again.

Nadwornik asked what the range is for service.

Rodriguez stated up to 5 miles.

Hatfield – no question.

Snow – asked about the map for the existing tower. It would show where overlap is.

Rodriguez gave her copies.

Snow wondered why the county is allowing other carriers to put up towers that aren't strong enough to hold more than one unit. Snow questioned the conversation with the existing tower and the tower not being strong enough.

Rodriguez stated they have multiple antennas on that tower. She can't speak to how they constructed the tower. They said it just was not structurally sound enough to add any additional carriers. There were many lengthy conversations about it. Also the heights required were not available at that location.

Snow noted the amounts being paid are redacted. Is that normal?

Reddick stated, yes it is normal. Businesses consider that proprietary information. There is a FOIA request available if that information is needed. Businesses do not want competitors knowing what was paid.

Snow noted in the past we've had towers that were built near swamps and lakes, people were concerned about the habitat.

Rodriguez noted they have NEPA reports, environmental reports and can only remove trees during certain months for protected bats, birds and watch for rattlesnake nests.

Sala noted the tower ½ mile away. If it were updated would Telecad be able to use that tower.

Rodriguez noted the height again and it was not structurally sound to hold more weight. It was a lighter tower, (guyed tower).

Hatfield noted the questions from Surko – this would never be in front of the Planning Commission unless there were a contract already entered into between the Tower co and Twp. The township should be contacted regarding questions concerning the contract.

LaForge asked if this was a 5g tower.

Rodriguez stated it is 4g and 5g tower.

LaForge asked when 6g would be added.

Rodriguez stated she had not heard of talk to add 6g.

LaForge asked how large of a zone would the tower cover.

Rodriguez stated it should connect up to 5 miles to the other towers. There are some closer it will connect to.

Snow asked about FAA regulations and do they approve the project before and also approve the distance to the airport.

Rodriguez noted the FAA will not require lights for this tower due to its height.

Motion by LaForge to approve SP-04-2024 and PR-02-2024. Support by Snow.
All ayes - motion carried.

Reddick suggested the Motion should be amended - with the condition that the county planner determine the bond amount.

Motion by Sala to amend the motion to approve SP-04-2024 and PR-02-2024 with the condition that the county planner determine the bond amount. Support by Snow.
All ayes - motion carried

OTHER BUSINESS

Gravel Pit Ordinance Discussion

Reddick reviewed the draft.

Pg 1 will reference E1 and pg 11

Nadwornik asked why we use “may” rather than “will” throughout the Ordinance. Reddick stated there may be circumstances where items/studies may or may not be required.

LaForge stated the Road Commission wants to be included in Impact studies from the beginning. Would like this added to the Ordinance.

Reddick will make a note to that affect.

Sala suggested preplanning for applicants so there would not be more delays. He suggested a pre-planning hearing/meeting to encourage applicant to turn more information in at time of application, such as noise study, traffic study, etc.

Hatfield stated this could be included in pg 3.

Snow pg 1 suggested Serious consequences be moved to the front. Reddick suggested referencing E1 and the list on pg 11.

Snow questioned pg 2 C1, building use.

Snow referred to pg 3 C2 and not having Commercial Zoning listed.

Snow questioned D2 and 12 Copy requirement. Reddick can change to Electronic copy and so many paper copies. Discuss with Jim later.

Snow referred to pg 6, 6b who will be checking endangered plant species. An environmental impact study would be used.

Snow questioned the wording on 7d. Should there be something more to guide them.

Nadwornik noted that funds should be put in Escrow for any reports needed. All reports should not be required at application. Not all reports would be needed for every project.

Sala wondered if there should be a deadline for reports.

Reddick noted there should not be a self-imposed deadline for reports to be completed.

Sala pg 1 A1 description of PMR wondered if a farm were stripping soil from the land would it fall under the right to farm act.

Sala referred to Pg 5 D5 Site rehab plan.

Pg 7 Snow questioned entrance and exit definition.

Pg 8 Snow asked about #3 there was discussion on the 1/3 site prep., 1/3 mineral removal, 1/3 site reclamation.

Sala questioned property valuation reports

LaForge asked at what point according to reports the decrease in property values too much.

Hatfield asked about reclamation plan. Is 6" of topsoil really enough? That is the minimum standard.

Nadwornik - Non operating hours – would like provision to prohibit lights during non-operating hours. pg 13

LaForge pg 12 questioned decibels, noise. Would like 1 year of monitoring for dust, noise, silica and wells. Unless waived. Methods and frequency unless specified by Planning Commission.

Sala asked about decibels from where the noise occurs to property lines. Also operating hours.

LaForge pg 12 4 - access to and from site, routes. Do we have jurisdiction to decide routes. LaForge thinks the Road Commission should work in conjunction with the Planning Commission.

Sala mentioned Enforcement – cease and desist – is it ok to have a monetary fee if issues are not modified or in compliance.

Miner thanked Reddick for his work on the Ordinance.

Public Comment

Shellenbarger on mining, is that commercial only.

Reddick defined PMR – has to be moving minerals to and or from property.

Ibbotson stated Road Commission sends bills out for road repair and have not had any trouble getting reimbursed.

Ibbotson stated 5 Ac is quite small for mining.

Ryan Terry Consumers Energy – MBSC had 2 public working groups about state law and will have first draft by June 21. They fully expect twps. To have their own ordinances. We are attending meetings with Johnstown and visited property line neighbors to answer concerns. There is a brief overview of the project on their website www.consumersenergy/misolar .

BJ Donnini thanked the PC for including us in conversation regarding road usage. Road commission does not have jurisdiction over state highways.

LaForge and Hatfield have committed that the road commission be involved with any traffic study.

Motion to adjourn by Snow, Support by Sala.

All ayes - motion carried.

Meeting adjourned at 9:13 pm.

Respectfully submitted,



Jack Nadwornik,
Secretary