

## DRAFT MINUTES

**SUTTONS BAY TOWNSHIP PLANNING COMMISSION  
SPECIAL MEETING - SEPTEMBER 19, 2023  
SUTTONS BAY TOWNSHIP OFFICES  
95 W. 4TH St., Suttons Bay, MI**

### **1. CALL TO ORDER AND NOTATION OF QUORUM**

Chair Tom Koernke called the Special Meeting to order at 6:00 pm.

Roll call of Planning Commissioners -

Present: Tom Koernke, Patti Miller, Andy Brandt, Don Gregory, Tom Clark

Absent: Dee McClure, Dennis Rathnaw, Doug Periard

Staff Present: Steve Patmore, Mathew Cooke

Also Present: Tim Figura, Township Attorney, Marc Danemen, Attorney (via Zoom),

Audience:

### **2. APPROVAL OF AGENDA**

Chair Koernke asked if there were any additions or changes to the Draft Agenda.

***Patti Miller/moved, Tom Clark/supported, to approve the Agenda as submitted, passed.***

### **3. CONFLICT OF INTEREST**

Chair Koernke asked if there were any Conflicts of Interest.

Commissioner Brandt stated that he believes that he has a Conflict of Interest in the tower permit review, as his family owns the property where the tower is proposed. He offered to step from the table when this item is discussed. It was the consensus of the Commission that the property ownership was a Conflict of Interest for Andy Brandt.

### **4. ITEMS OF DISCUSSION/CONSIDERATION:**

- A. Public hearing and Discussion regarding a Request from Telesite/Verizon Wireless, Inc. for a Special Land Use Permit to construct a proposed 197-foot-tall monopole Wireless Communication Tower, proposed driveway, and associated equipment within a 100 foot leased area on property

number 45-022-019-014-00, E. Bahle Rd. Suttons Bay Township owned by the Gerald and Evelyn Brandt Trust.

Commissioner Brandt excused himself from the Commission table at this time.

Chair Koernke asked ZA Patmore to give an introduction of the Application.

Applicant:	TeleSite Wireless/Verizon
Existing Zoning:	Agricultural
Project Location:	NW Corner of Herman Rd. at Bahle Rd.

This meeting will be an introduction, opportunity for Public Comment, and an opportunity for the PC to ask questions of the Applicant.

A complete Staff Report with findings will not be prepared for this meeting. However, I am in the process of preparing a list of preliminary questions/comments.

Enclosures:

1. Original Application
2. Correspondence/Preliminary Reviews
3. Updated Application and Supplements
4. Updated Site Plan
5. Updated Propagation Maps.

From Steve Patmore -

Our Township Attorney, Tim Figura, has been involved in the application process, and will be available for the meeting. We have also retained Attorney Marc Daneman, who specializes in communication towers, to assist the township during the review. We are also retaining a technical consultant to review the propagation maps.

Brief Introduction by Steve Patmore -

We received an Application for a Special Use Uer Permit in April of this year for a communications tower off of Bahle Rd. in the township. A new communications tower is a Special Use Permit in the agricultural district.

I reviewed the application, sent a letter noting there were several items that needed to be satisfied to be administratively complete on May 8th. In August of this year we received the response with the items that I had asked for to make it administratively complete. Administratively complete does not mean that it meets the ordinance, it just means that everything was there to start the review process. We need to review it for our ordinance, and can ask for more information if we need it to make our decision. Communication towers have been given some special treatment by Federal and State laws, for instance this is the only thing that I know in the ordinance where we have a 90 day review period to approve or deny. In the standards there are other differences in special uses. We will talk about that later when we get to the nitty gritty of the review. This is an introduction by the applicant, an opportunity for you as a Planning Commission to ask questions. This is a public hearing which was noticed to the neighboring property owners and was published in the paper. The review and decision will happen at subsequent meetings. We will do a review and findings of fact, and the public, even though tonite is a public hearing, we have public comment during every meeting. There will be more opportunities to speak. We have our Township Attorney, Tim Figura, and a Communications Attorney, Marc Daneman, who has been very helpful with this process, and we also will be working with somebody in the engineering part of that.

#### Applicant's Intorudction of the Project

Rob LaBelle, Attorney, said Verizon Wireless it proposing a 197 foot tower, a monopole telephone pole of galvanized grey metal and will not require lighting at the top so there will be no strobe lights, no guide wires of any sort and is a self-support tower, has limited profile because it is telescoping, gets smaller as it gts higher. The compound is 100 foot by 100 foot, only a portion of it has been fenced in right now which is secured. The tower is accessed by a gravel drive and will be improved with sompacted soils. The site is visited once or twice a month by our engineers for the puruse of checking the equipment to make sure it is working. The tower at ground is assisted by an ancilliary cabinet base. There is a propane tank and a generator is there in the event of a power outage. Ninety-three percent (93%) of calls that go to 911 come from cell phones. A map shows where the tower is located in the orchard. The propagation maps were reviewed which show the hole, the target we are tying to cover and improve the coverage within that area.

Locating a tower involves a search ring where the tower has to be located. Verizon has 24 other agencies that have to get approval from. We have to make sure the soils around the tower are sufficient because it is a self-support tower.

Michael Avery, 24242 Northwestern Highway, Southfield, MI. discussed the need to have the tower on property described and not on the county tower. Avery described the current coverage area where there are a lot of lost calls. It was decided this was one of the top 10 sites that we wanted to building a tower. Proposed tower coverage was reviewed which fulfills the coverage and capacity needs. Page 3 shows the county tower coverage which doesn't provide very good coverage.

Rob LaBelle said Verizon's coverage will be better than the county tower. Part of reason not locating on the county tower, not meeting coverage We were actually thinking about building somewhere near that area. The county decided to build its own tower and said Verizon could come on its tower. The problem is the county is charging 2 to 2-1/2 times market rent and triple the annual increases that are available in the market out there in terms of how to do co-location. The county tower is empty except for a whip antenna that they put on there which operates some of the county equipment. Verizon is not going to pay those kinds of expenses because it would result in you paying higher prices for your cell phone use, and Verizon can't make a profit in the area if it has to pay those kinds of numbers. It is lousy coverage to go along with it. So that's the reason for not going on the county tower. AT&T would have the same problem going on the county tower when they see the prices and would go with the Verizon tower. Capacity issue is important and is solved by putting in new towers and making them do double duty.

Mr. LaBelle answered questions about interference if the towers are too close together, just the right distance apart to not create a gap and not so close as to create construction interference.

Michael Avery also answered questions about interference if the towers are too close.

Rob LaBelle said the proposed site provides service to the area and that is the reason for asking for a special land use permit.

Marc Danamen said he does not have any specific question, knows there are questions about the rent issues between the two locations, and that's proprietary. My question is what time did Verizon get those requests, were discussions had, who did they discuss it with.

Rob Lewis said it was a more current discussion as we got the numbers. We started at the time because the Brandt's were interested in having a tower on their property from that time period. We had to make the best of bad situation at that point so we talked to the county about the possibility of building a tower on their property and they would take down their existing tower which they didn't do and just let them locate their equipment on our tower, and we would operate our own equipment. The county decided to building its own tower, at first said would go on it, asked about their numbers and they said what Mark is referencing. Their numbers were almost \$4,000 per month as a comparison on other existing towers would pay \$1,500 to \$2,200, highest would do is \$2,500 in a no choice opportunity situation. More important they wanted a 7 percent annual escalate, the rent would go up to 7 percent per year. We have never paid more than 2 percent any where and actually tried to get it down.

Mark Avery said the greatest expense is monthly bills to lease the cell sites. Looking at \$4,000 a month, not something would even consider, and part of reason to look for better locations.

A former lease administration manager for AT&T said a 7% escalator even under this year's terms would be unreasonable. Cell companies are looking at 2% at this time. If the county is charging at 7%, it is clearly is unreasonable.

Rob Lewis said there is documentation of what the county charges on its tower.

Steve Patmore said he sent a packet to the County Emergency Services and expects to hear from back them.

Mark Avery answered questions about having sufficient cell coverage throughout

the year which drives cell site selection.

Chair Koernke closed the public comment portion of the public hearing noting there was no public comment. Members of the public will have an opportunity to make comments by sending them to township offices.

Steve Patmore said the next meeting of the Planning Commission is October 3, 2023.

## 2. Zoning Ordinance Overhaul

Discussion was held on the Zoning Ordinance Overhaul which included adult day care, adding clustered housing to neighborhood residential. Building types chart Article 14.4 was reviewed. Mathew Cooke and Steve Patmore will discuss Article 8.6.

### Commissioner Comments -

The Draft Minutes regarding 9 Bean Rows Special Land Use Permit Conditions was discussed - what type of wine would be allowed, is loop area going to be done on the ancilliary parking lot. Handicapped parking space must be paved. Should an extension for approval be placed on the permit if the project is not completed in 2 years.

A Special Meeting is scheduled for October 17th to work on the Zoning Ordinance Overhaul and the Planning Commission will be provided with a list of articles to work on.

**ADJOURNMENT** - Chair Koernke adjourned the meeting at 8:07 p.m.

Minutes by Marge Johnson, Recording Secretary  
Dee McClure, Secretary