

Suttons Bay Township Planning Commission
Special Meeting
Tuesday, October 17, 2023
6:00 p.m.
Suttons Bay Township Offices
95 W. Fourth Street

Meeting called to order at 6:00pm

Call to Order, Quorum noted.

Present:

Chair Tom Koernke

Commissioners Present:

Andy Brandt, John Clark, Don Gregory, Rhoda Johnson, Dee McClure, Patti Miller, Doug Periard,
and Dennis Rathnaw

Absent: None

Staff: Steve Patmore, Zoning Administrator, Mary Kuznicki, Recording Secretary

Guests in-person: Robert LaBelle – Verizon Wireless; Thomas Antoun – TeleSite Wireless

Approval of Agenda:

Motion: John Clark, 2nd Dee McClure, approval of Agenda as submitted. Edits: None

Conflict of Interest: Andy Brandt removed himself from discussion on Item #2 on the agenda

Public Comment: Steve Patmore introduced a letter that was sent via email to all commissioners from Doug Whitley regarding the proposed new monopole tower construction in Suttons Bay Township.

Tom Koernke suggested the Planning Committee skip Item #1, and move to discussion on #2: Continued discussion and deliberation regarding the Special Land Use Permit Request from Verizon for construction of a 197-foot monopole on Parcel # 45-011-019-014-00, located at E. Bahle Rd, Suttons Bay Township owned by the Gerald & Evelyn Brandt Trust. All agreed.

Public Introduction- Guests via Zoom

Attorney Timothy Figura, RF Engineer Andy Felde, Attorney Marc Danemom, Matt Cooke-Networks Northwest.

Discussion Collection: Commission has 90 days to review all information, expiration date is up next month, November 16, 2023.

Verizon Rep, Mr. LaBelle spoke to commission panel. He reiterated points from his September presentation:

- County tower (built in 2022) will not close coverage gaps
- View comparison without all interference, both topography and elevation

- County tower is 235' shorter than the proposed Verizon tower
- Location is poor. County tower is in a gulley, behind a hill
- If an antenna is added to the county tower, it's ability would still not cover the gaps. Inadequacies in coverage will still require another tower

History on previous options:

- Option discussed to replace current pole with a new monopole at intersection of St Mary & St Joseph Streets. Issue is the hill is too steep for equipment, no way to install. Gave up on site.
- 5 years ago, proposal made at Brandt site. Wooden pole was very feasible. Mr. Brandt passed away, family was not able to discuss proposal further. Gave up on site option.
- Looked at option to collocate on County Tower, costs are considerably higher. Discrepancy on Verizon and County (Mr. Ansoarge) contacting each other to discuss contract, terms, to possibly negotiate rates.
- Returned to Brandt property to revisit original tower proposal
- Disappointed County took all research and information from Verizon to build their own tower.

Points of interest:

- County has no collocation on current tower
- County Tower has poor coverage
- County Tower collocation price is very high
- IF/WHEN Verizon builds their tower, ATT & T-Mobile will collocate. They will not join County Tower due to poor location and price
- Per FED Regulations, owners of communications towers have to allow competitors on their towers.
- Finally, Verizon wants to build ONE tower to give better service to everyone in Leelanau County.

Steve Patmore gave history of timeline

- 2017 application from Fortune Wireless on County Route 641 at Hahnenberg property to build a 450' lighted tower (next to ATT tower)

Residents on Stony Point & the ridge on Donneybrook have received letters from companies requesting tower usage on their property, but are their other interests?

Commission needs to consider and look at the interest of the whole township, not individual roads/neighborhoods

Contact was made by Northport Twp Supervisor. Shared that at the last event in Northport, Leelanau Uncage, on September 30, both visitors and vendors complained they had very poor service

Tom Koernke reiterated that there is a Zoning Ordinance on the books regarding collocation. Ordinance # 15.2.1 speaks to overall intent of wireless communication provision. Special Land Use Standards for Wireless Towers, Ordinance # 15.2.8, was reviewed in depth by our attorney. All reviewed the attached letter from Tim Figura regarding items A. through E.

Tim Figura (via Zoom) highlighted points of letter:

- A. The County tower has capacity to accommodate collocation
- B. Per consultation with Mr. Daneman, RF factor could mean the County Tower is unsatisfactory. Two towers could supply better service to the whole County depending on community needs.
- C. Per the county's consultation with RF Engineer Andrew, proposed Bahle site would be better

- D. Price Consideration- Negotiations need to be done to bring pricing in line with other towers
- E. Other factors- proposed tower would offer coverage to a greater area than existing County Tower

Comment on target area- referred to all 3 maps. 9-Bean Row does not have service but is in the circled target area on maps. County as a whole, how is that being met?

LaBelle to Tim-

- Feels attorney focused solely on Item C
- Target Area was chosen before pole location was decided
- Under Federal Telecommunications Act – in terms of Planning Commissions denial- Twp Board cannot prohibit or affect the prohibiting of the tower
- Verizon or other communications company has authority to find & choose gap and then place pole in affected area.

Mark (Via Zoom)

- See memo- Intent of Ordinance, policy stand point, no clear-cut position, sees some difficulties. Focused on sub-section A.
- B. is more geographic in regards to the gap. Look at it from a broader perspective. Consider what areas can overall be served in short term or long term.
- Re: Financial Position- If reported as true, the escalating 7% is much too high

Don Gregory requested an overlap of towers to show if any lagging areas and coverage.

Andy, Drew wireless, LLC, Grand Rapids, RF engineer (Via Zoom):

- Consider service for more than just residents, public safety, 1st responders, visitors.
- Proposed site -coverage is huge, its an awesome site, surprised a tower is not already at location.
- Bahle site tower will be 235' taller than county tower
- Tower coverage vs Optimal Coverage map versions- Verizon may not use optimal map option because it would interfere/block current services

Michael Avery, Verizon Wireless rep-

- Optimal is just technology specific/general, optimal on map refers to best location, best position when turned to your own application
- There is too much data on original maps
- If tower is built, Verizon can set more geographical focus on surrounding towers, keeping service local, not focusing on outlying areas
- These are options for Verizon customers, not ATT or T-Mobile

Discussed difference between small cell additions to telephone poles vs adding a whole new tower

Small cells are fiber-fed

Small cells have coverage of up to ¾ mile

Small cells are not covered under the Metro Act, generally they are under state regulations

Discussion of granting Spec Land Use Permit 15.2.8

A-Good Tower at County Site with ample room – not a viable reason

B- Unavailability on Tower – There is space, not a viable reason

C- Other Signal Problems - Topographical issue, refer not only to the coverage area but additional parts of township

D- Refusal of Tower Owner, Monopoly/Charges – not a viable reason, contract negotiations are needed

E- Other Factors: reasonable need in other/adjourning township?

Commissioner comments:

What is the intent of the new tower?

Globally, is the township better with 2 towers or just one. Ordinance states we must use existing tower if available.

Per map coverage, Bahle tower and LL county tower offer same coverage.

Map with proposed coverage area is unpopulated, no houses, no roads.

Is there a downside to having a second tower? Most neighbors don't want it in their yard, however, with the proposed Bahle site, not as much of an issue.

County Tower is not visible. How much site effect will new tower have?

Visual effect: What is the impact? Most concern is immediate neighbors. From the proposed site, people will not see the base from Herman Road, Trees surround the base. Height is 199', single pole structure, no guide wires, no lattice and no lighting. Towers over the 200' do require lattice, wires and lighting.

LaBelle: Circle on map is due to weak/dropped call reported to Verizon.

3 factors why area was chosen:

- 1- Customer complaint, lack of signal strength
- 2- Dropped calls
- 3- Limited or no coverage/ service gaps

Reasons for this could be because of capacity issues, off load to other signals

ATT & T-Mobile have same issues. If Verizon uses county tower to collocate, will that help other towers?

Not near as much as new tower and only to the north. Won't reach/help South towers at all.

Per the Telecom Act - they (Verizon) get to define gaps, now, existing and future (as housing develops and businesses get built). New tower will also help existing towers improve their performance. Other towers will have greater capability to get to other rural areas. They (Verizon) have an obligation to get/give better communication. Factor "C" is the focus. In reference to 15.2.8, RF Interference- the County Tower ends at the hill. The additional 235' in height will avoid interference.

Due to time constraints, Chair Tom Koernke made a motion to extend the meeting by 15 minutes, all agreed.

What additional information would commissioners like to see in order to move forward at the next meeting? Better maps, w/ roads/ Ag users, residential & commercial sites

Tom K: A formal vote of the Special Land Use Permit to construct a monopole on the Brandt property at Bahle Rd. will take place at the next meeting, slated for November 7th, 2023 at 6:00pm. Deadline for final discussion and vote on permit is November 16, 2023.

All guests departed from meeting; Commissioners moved on the item #1 from Agenda.

Draft of minutes from Regular Planning Commission Meeting September 5, 2023:

Typo for correction:

Under reports: Chair recognized Matt Cooke named under 40 Best (not west)

Motion by Periard to approve minutes with edit, 2nd by Gregory, 7 ayes, 1 nay

Approved 12-5-2023

Periard brought up topic from Township Board meetings as to whether other committees were continuing with Zoom at their meetings. All agreed that tonight's meeting was a prime example to keep Zoom. Attorneys, contracted specialists & invited guests can join when not in town. Also allows summer residents to join in off-season. Can offer 2-3 ways. Open full Zoom link for comments, mute for listen-only options, record and post on website. Item will be brought up at next board meeting whether or not to continue Zoom at SB Township Planning Commission Meetings.

Next Regular Meeting, Tuesday, November 7, 2023 @ 6:00pm

Adjournment Time: 8:20pm

Submitted by Mary Kuznicki, Recording Secretary

Dee McClure, Secretary