

Routing: TB (5) TPC (5) Clerk (1) File (1) Email Town Staff (5)

TOWN OF LA POINTE
Town Plan Commission
Special Monthly Meeting Minutes
Wednesday August 21st, 2019
4:30PM

I. Call to Order/Roll Call: Suellen Soucek, Chair; Mike Starck, Vice Chair; Jim Peters; Paul Wilharm and Samantha Follis

II. Public Comment

None

III. Approval of Previous Minutes

a. Town Plan Commission Special Monthly Meeting Wednesday August 12th, 2019.

1 Typo noted

Peters motions to approve as amended, Starck seconds, 5 ayes motion carries.

IV. Reconsideration of a recommendation to deny or approve the **Conditional Use Permit** by the Town of La Pointe for the installation of a cell tower adjacent to the existing cell tower @ 412 Big Bay Road Parcel # 014-00187-0701 Legal: PART OF NW ¼ NW ¼ DESC VOL 452 PGS 755, 757, 759 AND 761 SEC. 29 T50N R3W 3.43A.

Chair calls for discussion:

ZA expresses his concerns that the action taken to recommend denial of the Conditional Use was in violation of State Statute and asks Commissioner Peters to review his letter to the Town Board dated August 13th, 2019. His letter identifies the related Town Plan Commission recommendation to deny the CUP decision as being in violation of ACT 67 and defines 3 benefits of approving the CUP.

1. Expands AT&T coverage in that area;
2. First Net coverage for First Responders; and,
3. Town income from the rental of the site.

ZA clarifies he asked the Town Board to postpone acting on the CUP recommendation until following this reconsideration and asks Commissioner Peters to quote ACT 67 as presented in his letter. The ZA believes the Town Plan Commission has no choice but to recommend approval for this permit.

Commissioner Follis expresses concerns that the Tower would not enhance coverage as needed on the Island and reiterates the suggestion that the Tower be higher than 110'. Want to know if this issue can be represented in the approval language.

ZA explains the request and recommendation for additional height can accompany the recommendation to the Town Board. Clarification of the purpose of the CUP is discussed and while we may receive additional cell coverage it does not stop the Town from advocating for increased services through additional towers or providers.

Wilharm clarifies we can't demand a taller tower, but we can suggest it in our recommendation.

Routing: TB (5) TPC (5) Clerk (1) File (1) Email Town Staff (5)

Wilharm believes the tower can be up to 140' according to the BOA, but the extent of the height needs to meet those standards.

Commissioner Starck asks for building plans, start date etc. The ZA outlines how this CUP became extraordinary as the Town thought there was a current CUP for the property, however no evidence of a Conditional Use Permit was found for the existing Tower. Permits for the new tower were issued in January of 2019 based on the assumption the CUP for the property was in order.

The area is identified, and the structure presently is proposed to be a free standing 110' Tower. The final construction of such would need to submit to all engineering and commercial requirements.

Chair draws conclusion to the discussion.

Soucek motions to recommend approval of this Conditional Use Permit, Wilharm seconds, 4 Ayes, 1 Nay (Starck), motion carries.

ZA suggests reaffirming motion from the meeting on 8/12/19 to recommend the tower height to be increased to 140'

Wilharm motions to encourage that the Town and Provider research extending the height to 140', Follis seconds, 5 Ayes, motion carries.

Starck wonders if we can address the noise issue in this recommendation. The existing Tower owned and operated by American Tower is the concern and not related to this Conditional Use. ZA state that he as a Town Official is contacting American Tower as a probable violation of the Town's Noise Ordinance.

ZA asks the Town Plan Commission if they would have any more recommendation related to this Conditional Use. General discussion about cell coverage and the co-located tower usage and contracts.

V. Future Agenda Items:

- a. Fire Numbers
- b. ZA states he will be going out of town in September.
- c. Art Committee
- d. Town Board Action related to this Conditional Use Permit

VI. Next Scheduled Meeting

9/18/19 @ 4:30PM

VII. Adjournment

Soucek calls for adjournment at 5:08

Respectfully submitted 9/18/19 by Ric Gillman, Zoning Administrator

Approved 9/18/19 Attendance and roll call added following the 9/18/19 TPC meeting