

BZA MINUTES**FEBRUARY 24, 2003**

Members present: Charles Addington, Mike Blankley, Dale Clevenger, Bill Davis, Mike Thurston, James Trautman.

Members absent: Jeff Prescott.

Staff present: Cathy Flatter, Executive Director; Jamie Stump, Recording Secretary.

Legal representation: Robert Oliver.

Others present: Andy Anderson, Kevin Gahret.

The meeting was called to order by Chairman Charles Addington at 7:00 P.M.

Chr. Addington: We need to approve the minutes of our last meeting which was January 27th. Do I hear a motion?

D. Clevenger: So moved.

M. Thurston: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). The minutes have been approved as written for the January 27th meeting. I will read part of the following for the benefit of the people here. The petitioner shall be allowed to present facts or arguments in support of his/her case without interruption by any other person. The board members will then be allowed to ask questions of the petitioner.

APC 2003-5-V (Kevin Gahret, Union City, IN)

Chr. Addington: The first petition tonight will be Kevin Gahret. Would you please come forward? Kevin did you receive an Article V when you applied for the hearing?

K. Gahret: Yes.

Chr. Addington: Did you get letters sent to all of your surrounding property owners?

K. Gahret: Yes.

Chr. Addington: Did we get the receipts back Jamie?

J. Stump: Yes we did.

Chr. Addington: Was it published in a timely manner?

J. Stump: Yes.

Chr. Addington: That is Kevin Gahret at 840 W. Elm Street, Union City, Indiana. The location will be 842 W. Elm Street. Go ahead and tell us what you want to do.

K. Gahret: Okay. A little history, the home that was on the property had been destroyed by a tree limb about two years ago and it was sufficiently damaged that I felt for safety reasons it was better to demolish the home and start over. Unfortunately the home was uninsured so that set me back in my ability to start to rebuild.

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K. Gahret: At the end of last year, December, I believe it was, I came into the office to apply for an application to rebuild.

C. Flatter: For the permits.

K. Gahret: At that time it was brought to my attention that because I have a 47' wide property and it is 150' long. Because of it being on a corner lot, I was told there was a 50' street easement, which because of that, I would be unable to put a home the size that I was wanting to put on, which is only 24' wide. It came out to be like maybe 10-foot difference is what I needed for the variance. That is what I am here to apply for.

Chr. Addington: Board members do you have any questions? There will be what, about 10 feet between you and your father's house the way you have it set up there?

K. Gahret: Yes.

Chr. Addington: Any questions from the board?

C. Flatter: I guess just to clarify, so that we understand here, it is a double frontage lot with Sycamore and Elm Street, so Kevin is required to have a 25 foot setback on the south and the west side for his new home and on the west side he is only going to be 15 feet from the right-of-way. He is just asking for the 10 foot variance off of Sycamore Street.

Chr. Addington: Not hearing any questions from the board, we are ready to take action on BZA 2003-5-V. Do I hear a motion to that affect?

M. Thurston: So moved.

B. Davis: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). I need a motion for a roll call vote.

M. Thurston: So moved.

D. Clevenger: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

A roll call vote was taken: James Trautman, yes; Mike Thurston, yes; Jeff Prescott, absent; Bill Davis, yes; Dale Clevenger, yes; Mike Blankley, yes; Charles Addington, yes.

Chr. Addington: Your application has been approved.

C. Flatter: Kevin all you have to do now is come in and apply for your permits, which you tried to do initially, but we can get them taken care of now.

K. Gahret: Okay. Thank you very much.

BZA 2003-4-CU (AT&T Wireless Service)

Chr. Addington: Mr. Anderson, could you please come up. This is a recorded meeting, I didn't tell Kevin that, I forgot.

A. Anderson: I heard them testing the mikes.

Chr. Addington: Okay.

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A. Anderson: My name is Andy Anderson. I live at 601 Main Street in Dowagiac, Michigan. I am with Horvath Communications, who is representing AT&T in the development of their wireless system in Central Indiana.

Chr. Addington: I need to ask you a couple questions here, to interrupt you just a minute. Did you receive an Article V, Conduct of Hearing when you applied?

A. Anderson: Yes we did.

Chr. Addington: Did you notify all the surrounding property owners?

A. Anderson: Yes we notified the one yes.

Chr. Addington: Okay. And we got the receipts back in a timely manner Jamie?

J. Stump: Yes we did.

Chr. Addington: We got the publication okay?

J. Stump: Yes.

Chr. Addington: Now you can tell us what you want to do.

A. Anderson: AT&T is the fifth largest wireless provider in the United States and the FCC is putting a great deal of pressure on wireless providers. They just can't build major highway corridors in big cities. They need to start providing better service in rural areas. There are 42 locations in Central Indiana that we are working on and approximately half of these are going to be on co-located facilities. The proposal that we are making tonight is for a 190 foot monopole. Do they have a copy of the drawings?

Chr. Addington: Yes.

A. Anderson: Which is in the last page of your drawings here, which it has no guide wires and it will not be required to be lit. That is the facility that we are proposing to build. There will be no shelter for the equipment. They put the equipment in cabinets and the cabinets are probably about 2/3 of the height of two sections of that bookcase and about half again as deep. That will be on there so there will be no shelter facility on that. The second page of the drawings or next to the last one is the site plan. As you can see we exceed your setback requirements. We will be entering off of State Road 32, down an existing gravel driveway and we will be going back around some farm outbuildings and will be next to an exterior storage tank, as you can see in the drawings. We took pictures of the site here so that you can have some idea of what the area will be like. You can see a little flag

M. Blankley: You won't get these back.

A. Anderson: That is fine. It shows the picture from the tower, towards the tower, north, south, east and west and it shows where we will be getting our power and our telephone connections and the easements on that. I think I covered everything in my application memo about all of our easements and around the property. I did have one question concerning fencing. We are proposing to fence it, however, we would like to rather than fence the whole compound, we would like to fence only the area of the tower and the cabinets. It minimizes the amount of space taken out as other providers come forward, we would expand that area within our compound. Is that a problem?

C. Flatter: That is fine.

A. Anderson: The other thing is that I think it is important to know that we attempted to find a co-location opportunity and there is nothing in that area.

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A. Anderson: But the facility that we are building will handle three, possibly four other providers so that the facility could be used by other providers as well. If you have any questions I would be happy to try to answer them.

Chr. Addington: Is that north of the hog buildings there then, north of the Harvester manure facility?

A. Anderson: Right. Hopefully it is done before summer.

Chr. Addington: Do you have any questions board members? Will you be using any microwave on that?

A. Anderson: No. There is phone service out there so it won't be necessary to do that.

Chr. Addington: How many service attachments will you have besides your own on there?

A. Anderson: There will be, initially we will be putting up six antennas, they will be grouped in pairs of three pair on there. There is a possibility if service expands that they would put an additional panel antenna on there. The panel antenna stands about this tall and they are about this wide. But we would add an additional one if demand warrants it and then of course the other providers that would be on there would be below probably at 180', 170' and then 150 foot would be the level that the other providers would be on and they would use similar type panel antennas. There is phone service out there. There is fiber optic cable out there so it is not necessary for us to microwave at this time.

J. Trautman: So you are doing this in conjunction with Verizon because that is who's wire service this is isn't it?

A. Anderson: That is who's wire service we will use, yes.

M. Thurston: I am hoping Verizon puts an antenna up there.

J. Trautman: Yes, so am I. I didn't know AT&T had wireless service.

A. Anderson: Verizon is the largest and then Cingular. You have probably heard them advertised. They are going to be building in Indiana shortly too. AT&T is third.

B. Oliver: What was service? What was your tower service as far as area?

A. Anderson: That tower is designed primarily to cover State Road 32 corridor and that side of the county and it will be communicating with two other towers that will be north and south of that, but that are not in the county.

M. Blankley: How far east? That is the opposite direction of Anderson. To the State Line?

A. Anderson: Towards the State Line. We are going down to Richmond and we will be trying to cover to the State Line as close as we can get with the coverage. The primary objective is the corridor, is the Highway.

M. Blankley: Because anything east of Winchester, where we are sitting now, is dead.

A. Anderson: That is why this area was picked.

Chr. Addington: Will that help Mike's situation there do you think? In Union City?

M. Blankley: Over on the State Line.

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A. Anderson: It will if you have our service. Now, I am not selling our service, in fact, when I call people I say, "This is Andy Anderson, I am with AT&T Wireless and I am not trying to sell you a cell phone". What is happening in the industry is that you have always had to worry about do I have the same technology as the provider that I am currently with? What is happening is that rather than to have to make that match, they have now come out with cell phones that are what they call dual-band tri-mode phones. Dual band means that there are two wireless frequencies, one at 800 megahertz and 1900 megahertz, which doesn't mean much to me. There are three different kinds of technology that different companies use. What you had, if you have a Verizon phone for example, that is an 800 megahertz CDMA technology and if you didn't have Verizon or another company that used that same frequency and that same technology that phone wouldn't work. Today, the phones have the capability of taking both frequencies and taking all three technologies, so if your company Verizon would have a roaming agreement, which they probably will as soon as AT&T builds there system in Central Indiana, then your Verizon phone would work off of our towers because your phone, if you have a phone like that, it will have the capability of adapting to whatever technology or whatever frequency happens to be on the tower that you are closest too. That is very helpful as far as service is concerned for providers.

M. Thurston: I have Verizon, I have Nationwide long distance, is that.....

A. Anderson: It would depend on the roaming agreement that they have but most of these roaming agreements, if you have, I have a nationwide long distance no roaming program with Verizon also, and if you are roaming it doesn't make any difference, you still get your long distance, you still get your free roaming even if you are not in there area. And when you live in Southern Michigan like I do, you think your service here is bad, you really have bad service up there.

Chr. Addington: What is your starting and completion date anticipation?

A. Anderson: Well we are hoping to be on the air by July. It only takes a couple, three weeks to actually put the tower up and get it operating. We will be going out and doing soil boring, in fact they may have already gone out and done that to get how deep the foundation has to go and of course they do the wind load things and they will come back and when I come to pull my building permit I will bring you a set of those drawings and have all the calculations. I would say as soon as we have decent weather and how they schedule it, they are not going to work from here and then send them over to the other side of the state, they will just send them down the line.

C. Flatter: Right.

Chr. Addington: What did you say about a wind permit?

A. Anderson: A wind load. You have to according to FCC regulations and I assume that Indiana has adopted those wind load requirements for towers, in other words it will hold, generally it is 80 mph with gusts up to 100 and with an ice load of one inch of ice on the side of the tower.

Chr. Addington: What happens if it falls? Does it fall in one piece or does it collapse?

A. Anderson: There are three types of towers. The type that we have that we are proposing here is a monopole.

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A. Anderson: The first type is the guide wire towers, that looks like you built with an erector set with wires on them. Those are designed to, for lack of better term, to collapse, in other words, if something should happen to them than they come down and they just sort of turn on themselves and will stay within the confines of how far out the guy anchors are. Usually 80% of the height of the towers, the guy anchors are out. Self-support towers, those are three legged type that look like a windmill. Those are designed to fall over onto themselves. They are pre-designed, depending on the height to have different snap off points so that if they catch the wind, it just twists over onto itself. Monopoles are designed not to fall. What happens is that because they are basically round, they catch the wind and the wind comes around them. If there should be a steady solid enough wind to cause the tower to weaken, the tower twists. When it twists it changes the dynamic of the wind and takes the pressure off the tower. There is no known record of a monopole falling after completed construction. They took hurricane Andrew back in the 90's straight on for 2 ½ hours and although some of them were damaged and had to be removed, they never came down.

Chr. Addington: It is 190-foot is that right?

A. Anderson: Yes and we are set back incidentally from all the property lines and the road.

Chr. Addington: I see it was over 500 feet back from the highway.

A. Anderson: Yes. That is more than your requirements or setbacks, but we are further back than anything.

Chr. Addington: I think we are ready to take action on this or should we make that part about the fence part of the record Mr. Oliver, since it's a conditional use we can use his testimony as part of the plan.

R. Oliver: Right. Yes.

Chr. Addington: Is that okay?

A. Anderson: That will be fine.

Chr. Addington: Let's hear a motion to take action.

D. Clevenger: So moved.

M. Thurston: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). I need a motion for a roll call vote.

M. Blankley: So moved.

B. Davis: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote on BZA 2003-4-CU.

A roll call vote was taken: Charles Addington, yes; Mike Blankley, yes; Dale Clevenger, yes; Bill Davis, yes; Jeff Prescott, absent; Mike Thurston, yes; James Trautman, yes.

Chr. Addington: Your permit has been granted.

A. Anderson: Thank you. We will bring you the tower drawings and the stuff for the building permits and the new site plan will reflect the fence the way that we discussed here tonight.

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C. Flatter: Okay.

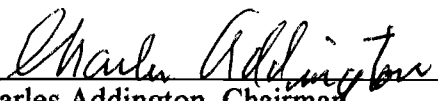
A. Anderson: Thank you very much.

Chr. Addington: Is there anything else to come before the board tonight?

C. Flatter: I have nothing.

The meeting adjourned at 7:25 P.M.

THE NEXT REGULARLY SCHEDULED MEETING IS MARCH 17, 2003 AT 7:00 P.M. IN THE CONFERENCE ROOM (IN THE BASEMENT) OF THE RANDOLPH COUNTY COURTHOUSE, WINCHESTER, INDIANA.



Charles Addington, Chairman

Mike Blankley, Vice President



Jamie Stump, Recording Secretary