

BZA MINUTES

JANUARY 21, 2020

Members present: Jon Peacock, Jason Hawley, Bryn Albertson, Myron Cougill, Kevin Carreno

Absent: Don Calhoun

Legal Representation: Jason Welch

Staff present: Randy Abel, Debra Johnting, Recording Secretary

Others present: Ed Thornburg, Gary Bates, Chris Shaneyfelt

Chairman Hawley: Ladies and Gentlemen, I have on my handy dandy clock here, 7:00, and I'd like to call this meeting to order. It is Tuesday, January 21, 2020. Excuse me, it's been awhile since we've had one of these. Has everybody received a copy of the minutes and had a chance to look over those? May I have a motion to present those as presented? Motion has been presented and seconded, all those in favor say aye, opposed, none. Motion to accept minutes is approved. So we've got three applications kind of dealing with the same thing. But, let's take them one by one to make things kind of easy and make sure we're on the level with everything. First up is BZA2020-2-SP & V, applicant is Randolph County Commissioners, for a special exception for height, and variance for setback. Do I have a representative here? Please state your name and address for the record.

C. Shaneyfelt: My name is Chris Shaneyfelt, I am the director of Randolph County 911 Center, address is 155 E South Street, Winchester, Indiana, 47394.

G. Bates: My name is Gary Bates, 3211 S Goyer Rd, in Kokomo, Indiana, I am here representing Pyramid Consulting.

J. Hawley: Did you receive Article V, Conduct of Hearing?

C. Shaneyfelt: Yes I did.

J. Hawley: Ok, So, let's start off with the first one here, what is the address, 2256 South US Highway 27. What are you looking on this one?

C. Shaneyfelt: We do need to amend our petition for a special exception for the height of the tower. We still need a variance for the distance to the property line.

D. Johnting: The height was a special exception instead of a variance.

J. Hawley: I assume this is just...

D. Johnting: A formality, we just need to say on the record that this is a special exception and not a variance.

J. Hawley: Ok, I understand. Are there any questions concerning this request? It's a cell tower, correct?

C. Shaneyfelt: It's a public safety communications tower. What we're doing is upgrading our communications system. The system we're currently on is a state owned IPICS system, IPICS is just

an anagram for one of the state offices down in Indianapolis that run the public safety communications. We're moving away from that system, to provide better coverage for the public safety responders in Randolph County. So, with the project the county hired Pyramid Consulting and Architecture. And through their various studies, they've recommended that we build three communications towers in the county to provide us the coverage that we'd need and the locations that you have in your documents there are the three that have been identified.

J. Hawley: So were there any questions that the board might have had?

G. Bates: I think you have the plan of operation that the reason why we needed the height, is that with the VHF, very high frequency radio system, you want to get as tall as you can, and so 300 to 350 feet is our ideal location. We are putting it right in the center of the county, and to get the maximum coverage we've done propagation studies, to show that this would be the best coverage area for the county. With this new 700 Megahertz Radio System and VHF, if it was just a 700 or that 800 system as the state, we wouldn't have to put it as high, but with the VHF you really need to put it as high as possible to get the angle down onto the system. So, this will provide the best coverage for the county, and so we really believe that that's why we've done the propagation studies and this is the best choice that we could do on this. It's a lattice tower, so I think what's important about a lattice tower is if you've ever seen one before, and you can google it, they have a hard base, and then they come up in the middle, and the important thing about those, if something structurally did happen, and these hardly ever fail, but if they do they collapse upon themselves. Unlike a mortice tower or a straight tower it's going to fall all the way down these special lattice towers will collapse upon themselves. So, really it doesn't spread out along the footprint of the tower. With a public safety system, as far as the processes, I was looking at the other cell towers around the area and other towers, and they really don't meet the public safety requirements. We have to have a hardened shelter, a concrete shelter on the site, to make sure, and a proper sized generator on the site. So, they'll need their own site. And then also, part of this project too, is the county is pursuing and looking at the broadband internet system. So, this really helps out on that, we can put them all on the same tower, and we looked for additional towers as we go around the county and room for the coverage, and this really provides us you know, the ideal location, we'll have a microwave, on the tower, which will shoot to the other tower, so it's a simulcast system, so when you key up, you're keying up on all three towers at the same time. Which gives you maximum coverage. So those are the big highlights of why we do what we do.

J. Hawley: So, it seems like this is rundown of all three specific projects. I guess, well, just for convenience sake, or just to try to make things more simple, we'll just do one at a time.

G. Bates: Yes, the plan of operation of all three are exactly the same then we've just got the different locations that we've scouted out and done propagation studies, and you know we have submitted all the forms to the FAA, the FCC, the preliminary, when you build something also, you have to have an archaeological dig. So, Ball State University, they'll come in there and dig it, and then from there it has to go to the SHPO Office, the State Historic Preservation Office, and then from there, once SHPO approves it, and it comes back and then we have to send it, I have had seven Indian Tribes respond so far, so we then we have to respond to the Indian tribes and make sure that they check their records to make sure that there are no historical artifacts in there for them and then so it's about an eight month process before you even start to build anything like this, so it's very detailed. I just joined the company in December, I am retired from the Sheriff's department in Howard County. But they know our

system, and we build systems all over the state, so we do the best we can for the citizens for Randolph County.

B. Davis: So Chris, this is definitely been a long time in the making isn't it?

C. Shaneyfelt: Yes, you're looking at, well, the locations we're looking at are fifty year lease agreements at a minimum, so. We'll have to replace some equipment along the way as far as computer equipment and stuff like that, but the towers, and themselves should be fine.

G. Bates: But it is a state of the art radio system that you're getting. Digital, and so it will really help out with communications.

J. Hawley: Ok. Was there anybody else that had questions?

R. Abel: I would ask one on this property, on the one that's going out to the County barn, if, I know there has been some discussion on whether this exact spot is where you may go or if you may find another location. I wanted to know if it would be appropriate to have the board ok the property as opposed to this specific point of reference on that map.

J. Hawley: Are we talking about this property?

R. Abel: There has been some discussion on it, it might move, it might not,

G. Bates: Are you talking about the soil samples? When you're digging those, we have a company come in and do soil testing, to make sure and one of the spots had quite a bit of topsoil so you really have to be careful in the topsoil and you have to get down to the clay of the earth, and put it properly or you have to build pylons and it's a pretty technical process. But if that's not suitable, the important thing is it's going to be on the same tract. So, you know it's not going to move off that location. Whatever is best for the county operations out there, exact location on that property is no matter to us, the important thing is, we want to be good neighbors to the county highway and it's their facility and put it where it works best for them.

J. Peacock: It seems close to the buildings.

M. Haffner: At the location as it's drawn, it won't work.

G. Bates: Ok. Well, we'll certainly work with you, of course we're going to work with you and find out the best location on that tract that works for you and works for, like I said, the back and forth on that property propagation is not going to change. So, it's not going to make a big difference if we, if we moved it to a whole other property and have to go through this whole process again, so it's going to be on that property and whatever works best works for the county.

J. Peacock: If we give the ok for it to be anywhere on the property who has the final say about whether the location is acceptable or not?

R. Abel: I'm guessing that falls to the commissioners. Would you say that Mike or not?

M. Haffner: I would hope the final say would be the commissioners. Right now, two of the commissioners are very concerned with it being inside that red area. [For all future references of "red",

or “red area” that is parcel #011-01745-01, the parcel the New Highway Garage is located] Mike Haffner, Randolph County Highway Department. May I come up?

J. Hawley: Yes, please do.

M. Haffner: We have not figured out access to this farm ground back in here. It originally was designed that there would be a lane going parallel with the wooded area, and a fenced off area that the farmer would have access back to this farm ground. Because all this is going to be secured and gated. So, theoretically Mr. Chalfant and I said, why can't they build it in the woods? Or, we really don't want anything in our area in here, because we don't know and we don't want future growth denied because of this. Now, the county owns all this, this woods goes down several hundred more feet, we were suggesting the tower either be put at the extreme southern edge of that woods, so that it doesn't interfere with future growth of the highway or an access going back to the agriculture ground. Or, if we can get a variance, it does make sense for them to be tucked up in this kind of triangle, where it's kind of dead space for me anyway. But, can we put it back in the corner of this woods?

J. Welch: I have a question, who is speaking for the commissioners? Because, the commissioners are the applicants. Whoever filled out the petition...

C. Shaneyfelt: I did.

J. Welch: Whoever is acting as agent has the authority to speak for the commissioners, and they have asked that it be in this red area and that's really all that is relevant tonight.

C. Shaneyfelt: When I submitted the applications, I had talked to Mike prior to, doing the paperwork. And there was an area that was on the blueprint, that was by number 5, if you remember, and you said that general area, and that's where I plotted this, so that's why we're inside the red. Whether we're in the woods, I don't know that that matters.

M. Haffner: But when I was talking to you, Tom reminded me that where's the access lane going to the agriculture field back there? And my buildings are layed out pretty tight, you're going to be right on the edge. So how are we going to get access back there? And again, I am all in favor of trying to find a location on this sight, but, I am surprised one of the commissioners aren't here to represent, because I feel like I am kind of getting stuck in the middle. Because I have worked with Chris but then the commissioners reminded me, hey, we don't want to be tying up our lane going back to the going back there, so can we move it off into the woods. I don't know but then that gets you close to that property line. So, I originally thought this little tight corner up here I'd like to see it maybe right there on the corner instead of back farther.

C. Shaneyfelt: Here, on the corner or back in the woods it doesn't really matter to us.

M. Haffner: Right...

K. Carreno: So either way you still have, it will still work with you guys?

C. Shaneyfelt: Yeah, it's still on county property.

R. Abel: And the neighbors are all the same.

M. Haffner: There was a hiccup in that particular location, but there's tons of locations that would be up to the commissioners to hopefully finalize. I've been working with Chris to say, hey, this is the best possible spot.

C. Shaneyfelt: The size of the fencing and the compound itself is 75 feet. So if we are back there on that red line, we'll just put it back there in the woods it doesn't matter.

D. Johnting: It's a different parcel so will have different neighbors.

J. Welch: That's a totally different situation, for tonight's meeting it has to be on this parcel.

C. Shaneyfelt: What about back here out of the way?

M. Haffner: Well, you've got the retention pond.

C. Shaneyfelt: You're talking right here, right?

M. Haffner: Well, the retention pond pretty much covers this whole area.

J. Welch: Doesn't it make sense to have one of the commissioners here? So, we could continue this to the next hearing? Because I don't see how we could possibly do this and say it's going to be anywhere on this whole parcel.

J. Peacock: I agree.

J. Welch: He doesn't want it on this parcel.

M. Haffner: I'm not saying I don't want it on this parcel...

J. Welch: We don't really know, the commissioners aren't here so we don't know who's speaking for them...

C. Shaneyfelt: I will apologize because, you know, I wasn't told about any of this until just now.

J. Welch: I understand.

C. Shaneyfelt: I was contacted by the commissioners today and none of them mentioned that. So, this is all news to me.

M. Haffner: And, I am certainly trying to work with Chris and everybody else but....

J. Welch: So, if this gets approved, today, and then it gets moved to a different parcel, you've got to go through the whole process again. But if you continue this to the next meeting, and get the ducks in a row, then it can be done the next meeting, possibly. I don't see how you have an agreement now of where you even want it.

G. Bates: Well, don't get me wrong, we'd like to put it on that plat and I think we agreed on that then in that exact location we can work that out. Either way we can still move it. As long as we are staying in that red area, then of course if we don't, then we can come back and ask for another variance and if we have to move it back to that other wooded area and go through the process again, but we would appreciate it if we could just move forward with it and do that, so.

J. Welch: I don't have a vote here, but one of my concerns with looking at this here if we say you can put it anywhere in the red, and you put it right next to the right of way I'm not sure we'd should be comfortable with that.

C. Shaneyfelt: I guess my only thing is, I wish we would have known about this before we sat down here tonight.

M. Haffner: There's a potential chance that we can keep it in that red, but again, I want to discuss that with the commissioners.

G. Bates: We'd sure like to move forward with the agreement that we keep it in the red, and if we'd don't keep it in the red, and we have to end up coming back, then we come back.

J. Peacock: At this point I am not comfortable to ok the entire parcel.

G. Bates: Ok.

R. Abel: The BZA can put any conditions on this you want. You could even say the west 100', or something like that. It's going to be a 75 x 75 feet fenced in area, so you could limit them to the west 100' of that property if you wanted to do something like that. That would keep it off the right of way, and would keep it back by the woods. This is just a suggestion. But it's up to the BZA as to what it actually wants to do.

B. Davis: But at the end of the day, is it right that the commissioners are deciding?

R. Abel: Yes, but if you only ok'd the west 100', if it is anything other than that you'll have to come back to the hearing again. If the commissioners decide anything other than that. How big is the lane going back along the woods, the access?

M. Haffner: It should be at least 30' at the narrowest.

R. Abel: So, if you give them 120' back by the woods, that gives them a lane along the woods of 30'.

J. Peacock: Why wasn't this worked out more clearly before now?

R. Abel: Good question.

J. Peacock: I would like to know exactly what I am voting on, I guess.

G. Bates: Well, like I said, we thought it was, and we apologize if it wasn't. And so, if we have that location, and if that exact location doesn't work, then we'd certainly like to move forward with the project and like you said, if you want to put a stipulation on it, around there, and we can go from there and move it if we need to.

C. Shaneyfelt: And like I said, this is the first of me finding out about an issue out there ok?

R. Abel: Do the FCC applications take longitude, latitude?

G. Bates: It does right there, and then I can....

R. Abel: But you haven't done the applications.

G. Bates: Yes, I have done the applications because they take so long to get through. I can certainly go back and modify those if the latitude and longitude changes a little bit. The biggest thing that the FAA is concerned about of course is height. Doing an off airport location, we do 350' to make their notifications, and they are going to tell us, yes, this is a good location, yes this is a good height, and this is the markings you have to have on it, the certain lights, that's what they are concerned about is aviation wise. So they don't care where the property is, you know, exact location, and if I have to modify the longitude and latitude I can certainly go back into the application and do that. So we do that, we do the FCC notifications on those properties, to make sure the Federal Communications Commission, because we are applying for a license. We apply for a license under the state, and so there are a lot of different licenses we have the antennae registration, we have to do that, antennae site registration, so we have to do those things. So, we picked that location, and that's the latitude and longitude I that used, and if it varies a little bit, if we need to, and I will contact them to see if we actually need to modify the applications to the FAA and the FCC. But, I have never had to notify them again, you know from [inaudible] to be concerned about the height and the lighting, so, if we keep it within the boundary and if you want to make an exception to it that we can go 100' we certainly are agreeable on that and then if it doesn't then we can certainly come back and we can change it.

J. Peacock: is there a time constraint?

G. Bates: No, there's not a time constraint but we need about 6 to 8 months that we are moving forward with the project and you know we have to start getting those processes working you know we have a schedule that we keep, it's not a critical factor, but we want to keep the project moving as quickly as we can.

C. Shaneyfelt: Our main concern is, is that we're going to have to put the [inaudible] on the ground, and they're not able to put it on the size we've got, and our radio equipment will start showing up around June. So, that's some of the concern.

B. Davis: I think we should consider approving, or at least voting on this as is with the guidelines on the setback. If it doesn't work, or the commissioners don't agree with it, then they can come back and change it.

J. Hawley: That's kind of where I was at. We really only have the two choices, we can either do that or putting a continuation on this it seems like. So, I guess it's kind of, what seems like it would be the best route to go—to try to vote for it tonight, with the stipulations of the 130', what was the suggestion?

R. Abel: I would suggest, if you need a 30' lane, they need a 75' square? I would suggest 120' or 130'. Does that distance sound reasonable to you?

M. Haffner: Yes, if he needs 75' to 80', plus 30', if you had 130' would work.

J. Hawley: So, do we want to wait for a continuation, or do we want to do this with conditions?

J. Welch: That's up to the board. If you want to go with the stipulation, you can try to approve it tonight, you can vote to go no closer to the right of way than 120' from the west property line.

B. Davis: But still at the end of the day the commissioners are going to say if this works or not. Fair?

J. Welch: They are the ones who have hired them to put the towers up, so they can decide where it goes on the property, we're just saying that it's ok with us for you to put it anywhere within this area we have approved. If you leave it anywhere in this area, I don't think anyone would want to put next to the highway, but I don't think you'd want to leave that up to chance.

J. Hawley: Ok.

J. Peacock: Clarification, if it's supposed to be the height of the tower plus 50', from, is that to other structures too? I'm just trying to understand.

R. Abel: Setback to the property line. And obviously they need a variance for that.

J. Peacock: And this is a pretty tight property here, isn't it?

R. Abel: The county owns all the property around that there.

J. Peacock: On both sides?

R. Abel: Yes.

J. Peacock: Ok.

E. Thornburg: The one challenge, this was all one property, they parceled out the area the highway barn is going because if you look at the map Randolph County Home owns the farm, and Randolph County Building Commission owns this property. That was done because bonding for the facility behind the barn. Once that is all finished, that will be recombined to one property. But, currently it is two separate parcels.

J. Hawley: Alright, so, the way I understand it, I'm sorry, was there any other questions or concerns? Ok, the way I understood it was we are looking on putting a stipulation, to vote for the project we are putting a stipulation of 120' from the west line, is that where we came up with that? So, for this piece of property, that would be the exception that we would do with that? Does that sound agreeable to the parties involved tonight? Ok, obviously contingent on the commissioner's approval as to where that would go. Ok, I guess we'll see what we can do about voting for this project.

B. Davis: I think we make a motion to move forward with this proposal.

J. Hawley: Ok, I make a motion to vote on this particular proposal.

B. Davis: So moved.

D. Johnting: Bill Davis, yes, Bryn Albertson, yes, Jason Hawley, yes, Kevin Carreno, yes, Jon Peacock, yes, and Myron Cougill, yes. Motion approved.

J. Hawley: Alright, hopefully the next one will be just slightly easier. This one is docket number BZA2020-3-SP & V, which looks like it is going to be behind the Deerfield School. Looks to be the same issues, the height and property distance issues. And the same amendment applies to this docket for special exception and variance.

C. Shaneyfelt: We have a completely signed agreement with Randolph Central School Corporation that has been notarized and filed with the Court House so they are 100% in favor of it.

J. Hawley: Ok, were there any questions or concerns about the particular property, now that we kind of have our arms around the type of tower and what we're looking at? Was there anybody else who would like to speak either for or against this proposed site. Seeing none, I motion that we take vote on this particular site.

B. Davis: Second.

D. Johnting: Jason Hawley, yes, Bill Davis, yes, Kevin Carreno, yes, Bryn Albertson, yes, Myron Cougill, yes, Jon Peacock, yes. Motion approved.

J. Hawley: Well, that seemed a little easier. The last one we have here is for the same tower, same variance, looks like near the County View Country Farms. Country View. Sorry. Ok, same basic idea, same tower, same height.

C. Shaneyfelt: We are 95% done, there's still some lawyer work that needs to be done so that the county and the representatives for Country View are all happy, but 95% done with that. The location that we have is outside the flood plain, and that's where they picked for us to go, so we're just waiting on [inaudible]. That's all we're waiting on as far as that goes.

J. Hawley: Was there anybody else who would like to speak in favor or against this proposal?

J. Peacock: Just a question, I just wondered if have all the landowners had been contacted, and they're all fine with it?

D. Johnting: Yes, and I have been contacted by two people and they were ok with it, otherwise I did not hear from any of the others.

J. Welch: Again, just like the one near the school, you can assure us that there's no safety issues with these being closer to the property line than the height of the tower, because the towers fall directly down?

G. Bates: Yes, that is correct. And with the property lines and the variances, you know, there's a variance, and that's the stipulations on these kinds of towers, that you know, when they, if a catastrophic failure did occur, then they fall upon themselves, they don't go over 400', when they are crashing down. When you build it up, it's a couple hundred, or it's about 150', and the rest of it is the taller portion, so you are really looking at a couple hundred feet if it did completely fall over but these last high towers what I am told are designed to not to do that.

J. Welch: Have they ever fallen over, that you are aware of? Because that's the reason for the setback.

G. Bates: To be honest with you sir, I don't know. That's right, that's exactly right. Yup.

C. Shaneyfelt: I don't know of any, and like Gary said, in the design, there's a pin in there that's supposed to shear so it just folds over on itself, as opposed to a total collapse. You see some of the older towers and stuff like that they will do complete collapse and they have been redesigned since a lot of the hurricanes and stuff so. We're told that that's not going to be an issue.

J. Hawley: Any other comments or concerns? Then I guess we will motion for a vote on this one.

D. Johnting: Jon Peacock, yes, Myron Cougill, yes, Kevin Carreno, yes, Bill Davis, yes, Jason Hawley, yes, Bryn Albertson, yes. Motion passes.

J. Hawley: Alright, I guess that takes us to the end of the evening. Congratulations, I hope that everything works out well for you and the commissioners. I hope that you can find the best site.

C. Shaneyfelt: And if something changes, we'll be back.

G. Bates: Appreciate your time.

B. Davis: We still need to elect officers.

J. Hawley: Thank you, Bill.

B. Davis: Unless someone else wants to be Chairman and Vice Chairman, I make a motion that we leave it as is.

J. Hawley: I second that motion, unless we have any volunteers?

D. Johnting: Kevin, did you have a chance to introduce yourself to everyone?

K. Carreno: I didn't get the chance to. Hi everyone, nice to meet you guys, my name is Kevin Carreno.

D. Johnting: Bryn, Bill, Jason, Randy, Jason, Deb, Jon and Myron.

J. Hawley: Thank you all very much. Ok, if that's it, I will entertain a motion to adjourn. And we are adjourned. Thank you for coming tonight.

Jason Hawley, Chairman

Debra Johnting, Recording Secretary

Bill Davis, Vice Chairman