

CIRCLEVILLE JUDICIAL COMMITTEE MEETING MINUTES 3/5/2024

Circleville Judicial Committee convened in City Council Chambers, 127 South Court St, Circleville, OH. Tuesday, March 5, 2024, at 6:30 pm. Roll call: Members present were Chair Tom Klitzka, Committee member: Sheri Theis, Clerk: Melissa Burns. Excused Absent Members: John Moats. Others present were Barry Keller, Katie Logan Hedges, Tom Duvall, and Zack Brooks. Invited guests: Mayor Michelle Blanton, Law Director Kendra Kinney, Fred Kennedy, and Brad Laucher.

Klitzka called the meeting to order at 6:30 p.m.

Theis motioned to approve the February 6, 2024, minutes, seconded by Klitzka. Motion carried.

New Business:

- a. Review of BZA Alternate applicants/candidates Josh Ford and Fred Kennedy.

Discussion: Mr. Kennedy spoke to state he has lived here since 1975. He retired from Kenworth. He is involved with the Circleville Athletic Boosters, Bingo and different activities in town. He is involved with his church and holds an administrative position. Mr. Kennedy wants to continue to be involved with the community and make Circleville a better City.

- b. Appointment/vote to fill BZA alternate vacancy.

MOTION - ROLL CALL - VOTE

Klitzka motioned to forward candidate Fred Kennedy to the March 5, 2024, council meeting, with a recommendation for appointment. Seconded by Theis.

- c. Discussion regarding the proposed cell tower.

Discussion: Klitzka explained the Judicial Committee is going to recommend the ordinance be forwarded to Council for a full voice vote on March 19, 2024. They would like to hear more from both sides. The zoning was approved in 2018.

Mr. Laucher is an engineering consultant with AT&T. He stated he provided a letter last week from AT&T addressing the FCC's exposure limits and a 3rd party RF Safety Emissions Report.

Ms. Kinney stated Council is still looking at the terms of contract, the harmful effects of the tower, the aesthetic appeal, and location of the tower. The meeting today is to give AT&T the opportunity to address those concerns.

Mr. Laucher stated AT&T has a need for the cell tower and has had to use temporary towers in the past. He stated this cell tower is in compliance with the FCC, who regulates radio frequency emissions. AT&T will pay for the demolition of the current cell tower and installation of the new tower. AT&T will pay for the new upgraded safety Antenna for the City and disposal of the current Antenna. Mr. Laucher stated the location was originally presented to AT&T and worked for both parties. Planning and Zoning already approved the drawings.

Theis asked where the Antennas would be installed. She was under the impression that the safety equipment would be at an advantage because it would be higher.

Mr. Laucher stated AT&T's equipment would be installed at 124 feet. If another company also placed Antennas, it would be at approximately 112 feet. The City's Antennas are proposed to be at 100, 58, 29, 20, 19, and 16 feet.

Theis stated if the Antennas were higher on the current tower, then it would be more beneficial to keep the current tower and Antenna placement. Mr. Laucher stated he isn't sure if the current tower would be able to handle the upgraded equipment.

Mr. Laucher stated he wasn't aware the City's equipment needed to be higher and the proposed heights are based off what they provided.

Hedges asked Mr. Laucher if the safety equipment could be higher and if the ordinance does not go through would AT&T move the mobile tower. Mr. Laucher replied he doesn't have an answer to that.

Justin Holderle an RF Specialist with AT&T stated the energy of the proposed tower is designed to push the energy out and away. AT&T had a 3rd party report completed and the RF levels are only a couple percent and well within FCC regulations. The range for the tower will be about a mile. FCC monitors and regulates if something is not doing what it's supposed to do.

The Mayor spoke to say minutes from the Planning and Zoning on meeting on 2/7/2018, addresses a lot of these issues. She asked those minutes to be sent out to everyone on Council, prior to the next Council meeting.

Duvall asked why the tower wasn't constructed in 2018 when it was first approved.

Joe Wipton stated his business is across from the police station and he doesn't want to see it. Mr. Wipton stated the City is at the limit for court cases and close to having to expand.

Jane Shaw spoke to state she wants to preserve the Historic Review District and she is not in favor of the Tower.

Misty Laxton spoke to state she lives in a historic home and doesn't want to look at the tower. She understands there is a need for the tower but would like Council to consider different locations.

William Haddox spoke to state he believes the studies are biased because the companies that perform them are tied to the telecommunications companies. He would like to see more vetting of the company performing the study to make sure they are not biased.

Theis asked if there is any regular testing after the cell tower is built.

Justin Holderle spoke to say they do not do regular testing afterwards, but the signals are monitored by FCC. If they are polluting an area and it causes problems, the FCC and their competitors will let them know.

Helen Maddox stated she has safety concerns, and the tower would be an eyesore to the historic district.

Misty Laxton asked if anyone has called other villages to see if they went through something like this.

Dominic Ali spoke to state there are resources available to Council such as Public Safety Commerce. They can offer studies free of charge to Council for an unbiased opinion.

Duvall said he is receiving mixed signals on the need for the tower. He wants to focus on the need to expand the Municipal building. If the building gets the tower, then they can't expand.

Justin Holderle followed up to state there is no hard line for their service where one day it will work and then it doesn't. He stated the throughput and speeds will continue to degrade over time.

Hedges spoke to question the square footage needed for expansion and if the cell tower would impact an expansion of the municipal building.

Klitzka spoke to state the Legislation needs to be moved over to Council for a voice vote.

MOTION - ROLL CALL - VOTE

Theis motioned to forward the question of whether they want the cell tower in that location on Franklin Street, to the Council meeting on March 19, 2024, for a voice vote. Seconded by Klitzka. Roll call (2 Yeas-0 Nays). Motion carried.

Other Business: None

Theis motioned to adjourn the meeting at 7:37 pm., Seconded by Klitzka. Motion carried.

Minutes prepared by: Melissa Burns, Clerk