

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio

February 2, 2017

CALL TO ORDER 7:01 P.M

PRESENT: Chairman Christopher Smith, Vice Chairman John Lillich,
Mayor Robert Weger, Councilman Christopher Hallum, Michael Tyler and
Michael Kline

ABSENT: Jonathan Irvine.

ALSO PRESENT: City Engineer Pietro DiFranco, BZA Rep Frank Cihula
and Clerk Katherine Lloyd

MOTION: Councilman Hallum moved to excuse Jonathan Irvine from tonight's meeting.
Seconded by Michael Tyler
Voice Vote: Ayes Unanimous
Motion Passes: 6/0

Michael Kline was sworn in by Mayor Weger on December 30, 2016 to complete Joseph Zawatski's term.

John Lillich was sworn in by Mayor Weger who was re-appointed for another term on January 4, 2017

Correspondence:

- Email from Willoughby Hill Council Office RE: Public Information – Marsh statement 1/12/17 to Council and Information from Journal Council 1/12/17 with aforementioned documents.
 - Letter dated 7/6/16 from CTL Engineering of Ohio to Willoughby Hills Historical Society RE: FCC/NEPA Public Involvement re: Site OH0317 Willoughby Waite Hill / CLEV-478
 - Excerpt from PCABR Minutes 3/17/16 Re: Public Portion Statement by Jenna Bing, 36951 Beech Hills Drive.
 - Email dated 1/4/17 from Thomas Marsh RE Grange OH 317
 - Email dated 1/9/17 from Thomas Marsh RE: OH 317 Willoughby Hill/Cleve-478.
 - Email dated 1/9/17 from Thomas Marsh RE: Grange Open House and Plan for Council Meeting.
 - Email dated 1/9/17 from Thomas Marsh RE: Council Meeting 1/12/17 Request for Town Hall Mtg
 - Photograph: Compound Area/Area of Direct Effects - Exhibit 13. Aerial Photography of the compound area and the surrounding area
 - "Electronic Silent Spring: Facing the Dangers and Creating Safe Limits" by Katie Singer.
 - Statement dated 1/12/17 to Council prepared by Thomas Marsh RE: Cell Tower on River Road.
 - Flyer: Open House at The Grange on Saturday, 2/4/17 sponsored by neighbors of historic Maple Grove Grange.
- Email dated 1/6/17 from PCABR to PCABR Board w/ attachment: PCABR Dates for 2017.

- Email dated 1/16/17 from PCABR Office to Thomas Marsh RE: Notice of Cancellation of the 1/19/17 PCABR Meeting
- Email dated 1/16/17 from Majda Valerian RE: Cell Tower at River Rd. and Maple Grove. Info.
- Email dated 1/17/17 from Gloria Majeski RE: City Roster - Updated 01/17/17
- Email dated 1/18/17 from Asst. City Engineer RE: 28763 Eddy Rd. – Plan Review
- Email dated 1/23/17 from City Engineer RE: 28895 West Miller – Cell Tower 170123 w/ attachment.
- Email dated 1/23/17 from TowerCo LLC RE: Request for Quote: OH0317- Willoughby Waite Hill- 50' Fall Zone Letter Request w/ attachment.
- Email dated 1/23/17 from Thomas Marsh RE: Ohio317 Site (10/2/16).
- Email dated 1/23/17 from Nancy Fellows RE: Email from Anonymous Resident RE: Grange Cell Tower.
- Email dated 1/24/17 from Jeff and Gina Luberger RE: Verizon Towers
- Email dated 1/23/17 from Gloria Majeski to Thomas March RE: Maple Grove Cemetery
- Email dated 1/26/17 from Thomas Marsh RE: OH317 Public Hearing Conditional Use
- Email dated 1/29/17 from Mainko Marijolic RE OH317/Public Hearing Conditional Use.
- Email dated 1/30/17 from Thomas Marsh RE: 11:00 Meeting Today

2017 PCABR ORGANIZATION

Nominations opened for Chairman.

John Lillich nominated Christopher Smith for Chairman.
Seconded by Councilman Hallum. Christopher Smith accepted.
Chairman Smith asked three times for additional nominations.
Nominations were closed.
Voice Vote: Ayes Unanimous

2017 Chairman: Christopher Smith

Nominations opened for Vice Chairman

Mayor Weger nominated John Lillich for Vice Chairman.
Seconded by Michael Tyler. John Lillich accepted.
Chairman Smith asked three times for additional nominations.
Nominations were closed.
Voice Vote: Ayes Unanimous

2017 Vice Chairman: John Lillich

Appointment of PCABR Clerk

MOTION: John Lillich moved to approve the appointment of Katherine Lloyd as clerk.
Seconded by Councilman Hallum.
Roll call: Ayes unanimous
Motion passes 6/0.

2017 Clerk: Katherine Lloyd

Disposition of Minutes

Meeting of December 15, 2016

MOTION: Michael Tyler moved to accept minutes of December 15, 2016 minutes.
Seconded by Councilman Hallum
Voice Vote: Ayes Unanimous
Motion Passes. 6/0

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 7:07 P.M.

No Public Input

Public Portion closed at 7:07 P.M.

1.) Marko Bjelopera

Agent/Contractor: Same

28763 Eddy Rd. – Ranch House - PPN: 31-A-025-0-00-059-0

Plans received in Building Department 1/10/17

Plans reviewed by Building Department 1/30/17

Present: Niko Bjelopera and Marko Bjelopera

Owner/Representative Comments:

- It will be a ranch style house with light brick in the front, vinyl siding on the sides and brick or stone in the back over 6 course foundation. The fire place will be stone
- Applicant brought no samples.

City Engineer's Comments (DiFranco):

None

Building Commissioner's Comments (Wyss):

Front elevation drawing depict a smaller gable and a different roofline. The gable needs to be shown differently as a bump out.

Board Comments:

It is a minimal drawing. We ask 3-4-inch trim on the windows, brick veneer above grade and wrap the brick 18-24 inches. Exact drawings are need. The applicant agreed

MOTION: John Lillich moved to approve for the plans for Ranch House at 28763 Eddy Rd. contingent on submitting of 2 sets of plans to the Building Department which detail the brick veneer, wrapping the brick 18-24 inches around corners and show samples of the brick, singles and siding.
Seconded by Michael Tyler
Voice Vote: Ayes Unanimous.
Motion Passes: 6/0

Additional Discussion: Shingles will be at the discretion of the Building Commissioner.

2.) Eugene Masi

Agent/Contractor: Same

2964 Bishop Rd. – Change Bedroom Roof & Walls - PPN: 31-A-007-B-00-009-0

Plans received in Building Department 1/26/17

Plans reviewed by Building Department 1/30/17

Present: Eugene Masi

Owner/Representative Comments:

The pitch on the roof over the upstairs is being raised to all for straightening the walls to get better headroom. Exterior of the house will match the existing materials and colors. House is white with green roof.

City Engineer's Comments (DiFranco):

None

Board Comments:

The hip roof is appropriate for the house. Walls will be 8 foot in height. Plans need to include more detail of the roof and venting. Siding and trim will match. Applicant agrees.

MOTION: John Lillich moved to approve the plans to Change Bedroom Roof & Walls at 2964 Bishop Rd. contingent on more detailed roof plans and discretion on Building Commissioner.
Seconded by Mayor Weger
Voice Vote: Ayes Unanimous.
Motion Passes: 6/0

PLANNING COMMISSION

Chairman Smith explained that the precedent for this is an amendment that was passed in June 2016 by Council authorizing and directing the Mayor to enter into a lease and a contract with the cell phone tower company, TowerCo. It came before the Planning Commission on October 6, 2017. On October 6th there was a Building Commissioner's report that two towers would be coming for review and both towers would require a Conditional Use permit. Because of the Conditional Use permit, the Planning Commission was required to hold a Public Hearing. It was scheduled for the next meeting. On October 20, 2016, a Conditional Use Hearing was held for the Conditional Use Permit and the applicants presented the projects. The Board engaged in dialogue with the applicants to discuss the Board's expectations and their expectations. Those are in the meeting minutes and are on the website. It is important to understand the history of this and that this is not the first time the projects have come before the Planning Commission. There is a Public Portion for each site. The first Public Portion is for 28895 West Miller Rd. site. Then there will be a Public Portion for the 2454 River Rd. site. People can speak at both or either.

Public Portion for 28895 West Miller Rd. opened at 7:22 PM

1) Thomas Marsh, 36520 Maple Grove Rd.

Residents at the Grange property mobilized. The community became aware. The Neighbors Program now includes the Home Owners Association (HOA). The City newsletter discussed the Grange but did not mention the W. Miller Rd. David Fiebig put in a Council resolution to notify within a half mile. There are a limited number of people who have been notified about W. Miller. Sending out the public notice met all the requirements of the law, but more people need to know about it. I suggest deferring vote on W. Miller and that more people are notified to see if they have any concerns.

2) Peter Pike, 2903 Cricket

Section 5.15 in the Charter says, 'mandatory public vote on land use changes'. According to Section 6.2, this body does not have ability to hear this issue. It only has the ability to put it on a public vote. It cannot create conditional uses. Charter amendments in November 1996 took away the power of this body and the BZA to discuss or rule on conditional use because it is illegal. I want that on record tonight. It will be contested legally.

3) John Plecnik, Bishop Rd.

Council has not passed a Resolution to increase notice but David Fiebig has introduced proposed legislation that would increase notice for cell towers from 500 feet to a half mile. I think we should give more notice to our residents. Hopefully that legislation will go forward but it is too late for Miller Rd. But people found out.

4) Jenna Bing, 36951 Beech Hills Dr.

I came to the Planning Commission in the past to express concerns about the Grange, whether it would fit on the space and that it is residential. Mayor Weger told me that there would be another presentation in front of the PCABR and there would be notification of the community. We have had notification. I have still never seen a presentation. Plans have been emailed around. It is a small lot with a small parking lot. This would take a lot of space. Setbacks from property lines are not being followed. That sets a bad precedent. This may not be within a standard variance. We should stick to the rules. The tower would be very close to the building itself. The fence around it does not seem aesthetically right. A presentation by the tower people to the Grange neighbors would have been nice.

5) Peter Pike, 2903 Cricket

I ask that this issue be rescinded. This body only has the authority to prepare something to be put on the ballot for the public to decide. Those are the rules of the Charter. Neither this body nor the BZA has the authority to change uses within zoning districts. That property is not zoned and cell towers are not permitted in there. In 2008, a Cell Tower Ordinance was enacted. No ordinance can violate the Charter. This property is zoned residential according to the City Zoning map, Section 6.2 of the Charter. It is not government property. The two existing cell towers are pre-1996. They are 'grandfathered'. Going forward, this body and the BZA have no ability to grant permission for anything. Put it on the ballot for the people to decide.

Public Portion for 28895 West Miller Rd. closed at 7:33 PM

1.) City of Willoughby Hills

Agent/Contractor: STRATEGIS, LLC (Agent for TowerCo.)

**28895 West Miller Rd. – Preliminary Review for Construction of Telecommunication Tower
PPN: 31-A-025-0-00-003-0**

Plans received in Building Department 1/11/17

Plans reviewed by City Engineer 1/26/17

Plans received by City Engineer 1/11/17

Plans stamped reviewed by City Engineer 1/23/17

Present: Christopher Galloway (STRATEGIS) and Jason Woodward (TowerCo)

Building Commissioner's Comments (Wyss):

This body is acting under Section 1161 of the Zoning Code voted on May 25, 2006. This is for a residential property which is covered under 1161.04 of the Zoning Code, which allows for the consideration of a cell tower in a residential-area as a Conditional Use. That was why there was a Public Hearing on October 20, 2016. The Planning Commission is reviewing this project under the Zoning Code which allows for cell towers in residential areas as a conditional use with the proper rules in 1161.

City Engineer's Comments (DiFranco):

The normal process requires a Preliminary Review followed by a Final Review. This report is for their Preliminary Review. He recommended Preliminary Approval contingent upon several comments. Because this is a conditional use on the property, the Code 1161 has many required conditions. The applicant still has to provide most of these. We will go through some of the major ones.

- The Code encourages stealth design. Plans submitted so far are not a stealth design. Code requires that they paint the tower.
- They currently show a barb wire fence around the compound. Barbed wire is not allowed.
- Code requires a very detailed landscaping plan. Currently, their plan does not meet the Code.

- As part of the stealth design and painting, any cables top to the bottom should be concealed. The Engineer asked them to consider a new product by 3M for the actual antennas so they blend in with the sky.
- They need to prove that the tower is needed and that there is a demand for it and that there are no other viable options in the area. The brief report they submitted shows the major benefit to the airport. We need clarification of why this site was selected rather than something closer to the airport. They need to show they have investigated other options to co-locate. Mr. DiFranco located a website, <antennasearch.com> which shows all the tower sites in the area. It claims there are 73 other existing towers within a 4-mile radius of Willoughby Hills. The other comments on the Engineer's list are somewhat administrative. This report will be part of the record.

Owner/Representative Comments (Galloway & Woodward):

We have reviewed the Engineer's Preliminary checklist. We have begun the process of filling in those gaps for him and this Board. Mr. Galloway's letter dated Jan. 30, 2017 addresses some of the bullet points.

- Barbed wire has already been removed from the plan.
- They have already noted that all cables for future antennas will be run internally within the tower.
- They will ask Verizon to consider the 3M conceal film or painting the antennas. Their technical opinion of that is needed. Paint for the tower is a galvanized gray color. Tower comes in a galvanized steel color. Painting for camouflage sometimes does not make sense in some seasons where it would stand out more. We can paint the tower if that is what the City wants.
- There are no telecommunication towers within 2500 feet of the proposed location. He showed their 2-mile radius map based on the list that is in his letter which shows towers within the 2-mile radius that are registered with the FCC. These are revised zoning drawings that are waiting additional feedback before being finalized or stamped.
- Item 20.5 relates to the Verizon radio frequency (RF) engineers' Justification Report. It does benefit a lot of the residential and business area to the south near the airport. It also covers along Eddy Rd and around Rt. 271 and the I-90 intersection area. The map shows yellow where there is less coverage. This location provides more capacity coverage along I-90. A location further south loses that. Coverages and capacities need to be balanced. They did look at the closest cell tower which is off Eddy Rd near the First Energy substation. The available 65-foot location does not have enough height to provide proper coverage. It is below the tree line. His point #5 outlines that. Federal restrictions regarding glide slope restriction placement near the airport.
- Wrapping the antennas with 3-M film: TowerCo is the owner of the tower but Verizon is the operational entity that is on the tower. Wraps can affect the propagation heavily. It can cause more chaos in the network and create need for more towers. RF transparent Paint is recommended as a color match for proper propagation. It is better not to specify. He is unclear whether 3M is certified under the FCC guidelines. They would not want to interfere with that. He discussed sectorized capacity in the red zone and offloading through sector analysis due to demand.
- Regarding the towers listed on the <antennasearch.com> website, if there were that many in a 4-mile radius, there would be a 'forest' of cell towers. That may be related to transmission for a two-way, roof top entities, fiber requirements, wireless internet, etc. The FAA registered website shows 8 towers in a 2-mile radius.

City Engineer's Comments (DiFranco): -- Follow Up

- There are 3 towers almost adjacent to the Richmond Hts. airport: 2 at the Richmond Hts. Police Station and 1 at the intersection of White & Richmond. There might be room on one of those towers. *(Applicant) Those sites are not being considered because they are way out of the densification pin point area.*

- We need a more extensive report showing need and explanation why other sites are not being considered in addition to the submitted 3-page report. *Applicants provided a quick 'crash course' using their 2-mile radius map and propagation map which shows where Verizon is currently. This map has not been finalized and stamped by their engineers but copies were distributed to the Board to share. Sectors are flooded and over capacity which causes data lock. They explained that 'bars' on the cell phone gives voice usage. This is signal on a data scale. Use of wireless devices has expanded. Willoughby Hills uses the Verizon LT network for emergency 911 systems. So do a lot of the surrounding communities. There is a requirement that they have coverage. It provides data dumps to the police & fire department, hospitals, ambulances. Medical devices also use the LT system. When those sites become sector-ized and run slow that requires Verizon to implement a project to build a new site and to offload those sites. They need to fill that void at that location. System is designed on a grid. It needs to be precise to avoid cross-interference and reduce capacity of the sites around it. Everything is so precise.*
(Engineer) If you can transcribe that to paper, that would be great.

Owner/Representative Comments (Galloway & Woodward) - continued

- A site needs to provide full propagation otherwise it causes more towers to be built in the community. A natural monopole provides the most use. New needs are coming from the Federal government now such as First Net where they will implement a phone-based. FCC required system that will have all the federal, state and local communications run through a cellular base. Stealth does not accommodate the equipment needed. Stealth design is not feasible in all areas. Flagpoles cannot accommodate the 12-panel array going in 3 sectors. Equipment that can be used on it is limited.
- Paint on the tower is customized and baked on by the tower manufacturer. It is like a car paint. It is never guaranteed if is scratched or chipped. Temperatures going from hot to cold and back to hot can cause chipping. Color can blend to area. Fighter jet color is a standard.

Board Comments and Discussion:

- There is increased use of wireless communication. The importance of keeping the City relevant and the services needed by the community was discussed. People are relying on the cell phones and lessening dependence on landline and landline companies. Security run off wireless.
- Applicant explained benefit of a cell tower at West Miller to the Willoughby Hills community using the coverage map. They need to fill holes in their coverage. Verizon and the other carriers have differences in coverage and their systems. According to the Code, City needs to know if co-locaters on the tower are lined up when they come for Final Review. Once they have an agreed upon structure, they can market the tower for co-location tenants.
- Updating of the landscape plan was discussed. P1-B of their plans was reviewed. Requirements of the Code sometimes need to be balanced with what is actually there and possible future plans. The Landscape Code specifies the sizes of landscape plantings. Code says 6-foot arborvitae. Their plans they show 4-foot arborvitae. Use of arborvitae for screening questioned because it attracts deer. Needle type of evergreens suggested but they are slower growing. Size, variety and location of plantings need to be noted on their Landscape plan.
- Per discussion:
 - Along the east side, there is a proposed utility easement. The sewer pump station with a chain-link fence is roughly 50 feet away. It has existing exposed electrical poles and lines running into it. Arborvitae could be planted in the easement with deciduous trees in corners. Necessity of screening the cell tower compound from the sewer pump station was questioned.
 - On the South is the highway with narrow access. Location of the tower is elevated from highway with lots of natural vegetation between it and highway. No landscaping is shown on the plans on the freeway side

- On the North side there is a possible utility run and placement of a pole for First Energy. The gate is on the North side. They plan arborvitae on either side of the gate. Good access needed to get equipment & men in and out. There are potential future uses on the north.
- West side - The 'front' gate could be moved to the west side but additional access would be required and a longer easement needed. Also need to change agreement with City and move the fence. Arborvitae & deciduous trees, unless gate moved.
- Access easement-Planting trees and shrubs in access easement and turn around area also impacts future plans the city has.
- A Board on board fence around the compound would block visibility. The Pump station and highway are next to it and behind it.

MOTION: John Lillich moved to give Preliminary Approval for construction of a telecommunication tower at 28895 West Miller Rd. contingent upon satisfying the City Engineer's requirements.
Seconded by Mayor Weger
Voice Vote: Ayes Unanimous.
Motion Passes: 6/0

Additional Discussion:

In past, the U.S. President passed an edict to the FCC that every square foot of nation would be covered, which includes every wilderness area and every national park. Technology is 'exploding'. State of Ohio passed a new revised Code which opens the door for what they call 'the small-cell solution'. The tower proposed for W. Miller is a macro-site. It is the key element to the network because it handles everything and supplies the majority of the coverage need. Small cells become a supportive entity to the macro-site. It will offload capacity needs in very tight, dense areas. It does not satisfy the same need as a macro-site. Small cells can now be implemented in the public ROWs. Characteristics of small cells discussed. The applicant is trying to do as much as possible with the macro-site without having to go to the small cell. Every carrier has their own need and their own frequencies and different spectrum. Utilities are using a wireless meter-reading system. Macro site is not line of site. It is a 360 degree arrangement. Senate Bill 331 has limited that ability of local municipalities to regulate small cells and DAS in the public ROWs. The city can permit them and have safety concerns with pole locations. Interpretations of the law are being explored. WH has a small cell on the west end in front of Mr. Hero. This is good information.

Public Portion for 2454 River Rd. opened at 8:31 PM

People were asked to sign in for follow up if they have questions.

1) Joyce Smith, 2473 River Rd.

The proposed site is immediately next to the Maple Grove Cemetery. Many of the people buried there are babies and young children from the 1800's. As a mother and grandmother, I imagine the comfort of laying them to rest in such a beautiful area. I speak for them since they cannot speak for themselves. There is the risk of disturbing unmarked graves. Construction so close is troubling and sad. Even though the cemetery does not have official historic site status, we still have to have respect for the graves. I hope I am heard. The WH Newsletter suggests that change is hard. Sometimes change is wrong.

2) Keith Brandt, 2376 Rivers Edge

WH resident for 12 years and acting president of Rivers Edge HOA, There was no notification to us whatsoever. He learned about it last week from a neighbor in Pine Valley. He has spoken with most of the residents of Rivers Edge. None are in favor of the tower. I have worked in real estate for 24 years and am a certified broker for the state of Ohio. There are many studies that there is a significant devaluation of home values from a cell tower. Those range from 4% to 20%. Impact on Pine Valley and surrounding area discussed. Adding impact of a tower to the previous market devaluation without consideration of property values is negligent. He has reviewed records of how this came about. He is concerned about the functioning and relationship between City Council, the Mayor and the Planning Commission. He hopes that the valuation proposition and how it relates to home owner is taken under consideration before adopting a cell tower for the Grange.

3) Chris Adams, 2388 Rivers Edge Dr.

Planning Commission has an obligation to review these proposals from different perspectives. His concern is Aesthetic. He has direct line of site to the Grange site from behind his house. He would not have moved there 3 years ago if there was a cell phone tower there. Your job is to protect our interests. Putting a tower in his backyard does not make sense after going through Architectural Review for his house. He quoted from the website, "Where the City meets the Country" and "We strive to preserve our rural atmosphere" and "considered one of the most Picturesque Communities in the Northeast Ohio" and "the abundance of parkland" and "We are particularly proud of our Residents First program". A cell phone tower that looks like a tree is right on the ridge next to a 19th century graveyard overlooking the river does not fit aesthetically with the quaint brand of the city. He asks that someone follow-up with him to determine the financial need and justification for the tower. A cell tower at that location does not serve the best interest of the residents. There is time to reconsider and work together to fix it.

4) Marinko Mazijolovic, 2525 Maple Hill Rd.

He is a new resident who is opposed to the cell tower and has sent numerous emails for information. The Architectural Board was very thorough in its review of his new home last year. He is not for having it in his backyard. There seems to have been a rush to get the cell tower put in. Council did not do the full readings. The Mayor signed an agreement prior to zoning approval. He asks the Law Director to become involved. The City may be facing a choice between a lawsuit from TowerCo or a lawsuit from the residents. The residents would have to pay twice, once for their attorneys and again for the Law Director. The City needs to change its procedures.

5) August Babuder, 2275 River Rd.

He has lived in WH since 1966. Has the location been shown to the Painesville Health Dept. and the Ohio EPA, Columbus? Is there a septic tank? He would like to see written documents. He has not seen plans.

6) Sandy Beyerle, 36600Maple Grove Rd.

Her property is adjacent to the Grange. She objects to construction of the cell phone tower at the Grange property. That very quaint and historic setting of the Grange and cemetery will be forever marred. The technology will become obsolete. The 50x50 footprint is in her backyard about 5 ½ feet from her property line. Why is it not 15 feet from the line? That big open field is part of her property. This is a beautiful tract of land that everyone bought into. There is nothing 'stealth' about a giant steel tree. Superimposed on the tree line, it stands out. She suggests finding another spot or wait for the mini-towers.

7) Sharon Sammon, 2367Rivers Edge Dr.

She and her husband built their home 9 years ago. They pay substantial taxes. They do not want to see a cell tower out their window. She is a cancer survivor who avoids things that cause cancer. Despite reports by the FCC that cell service and cell signals do not cause cancer or any negative effects, she remembers assurances by doctor about smoking in the 40's. She does not want a cell tower over her home.

8) Jenna Bing, 36951 Beech Hills Dr.

She questions the discussion that a tower is needed at this location and that it is pinpoint precise and the timely need. This tower is called 'Willoughby-Waite Hill' because it started trying to put it behind the salt area in Waite Hill 2 years ago. That is not close to the Grange. It sounds like there is some leeway where the tower can be place with precision. Discussion in WH started a year ago. Timeliness seems relative. She is pleased that there will be no vote on it tonight in any capacity. She suggested that statements about timeliness and precision do not apply to this tower.

9) Betsy Burrell, 2572Dodd Rd.

She is in the valley at the bottom of a hill. She has stopped many times to enjoy the peace and beauty at the Grange and cemetery. She learned about the proposed tower location from a flyer in her mailbox 3 days ago and from Mr. Marsh. She feels that if all the neighbors who have to look at the tower are opposed to it then Council needs to listen to them. She has an antenna booster and has good reception.

10) Bernie Hutter, 2517 River Rd.

He has lived there 12 years. This is a beautiful, historic area. He got no notice of the cell tower. Tom Marsh told him about it. He has had several conflicts with the Zoning Board and the Building Department re: compliance with details on his building and garage. Everyone will be forced to look at this gigantic cell tower. The Board should take a second look at what is being proposed.

11) Maria Prosen, lives on Pine Valley

She appreciates technology and is an outdoors person. Everything has its place. Technology has a lot of benefits but so does nature. There needs to be a balance. People need a respite. She does not think the cell tower is aesthetically pleasing.

12) Carla Koenitzer, 2370 Rivers Edge

She is a long time WH resident. Her father and grandfather lived on Maple Grove when it was a dirt road. The Grange was there. Her parents built a home at 36571 Maple Grove. They were very active in the Grange. She was baptized at the Grange. It has been an important part of their lives and those of their neighbors. Maple Grove Grange is history of WH. The loved ones buried at the cemetery need a voice. She believe that placing the tower right next to the cemetery is disrespectful. Please look for alternate locations. Reliable cell phone service is needed and everyone needs access to 911. She asks that everyone to be functional on this matter. She does want to know who is for and against it because she votes.

13) Daniel Biondolillo, 2367 Michele Ct. President of Pine Valley HOA

He learned of the tower from Mr. Marsh and the Grange. Home valuations in Pine Valley are similar to Rivers Edge. We are concerned about the tower and would be happy if an alternate location could be found. He sees problems with the setbacks. Micro-towers could be an alternate solution.

14) Keith Brandt, 2376 Rivers Edge

The FCC Act of 1996 prohibits a city from not approving a cell tower because of health reasons. The Act does point that a Board can disallow a cell tower based on devaluation as part of that and aesthetics. The value loss for Pine Valley and Rivers Edge has been discussed. There has to be a demonstration that there will be no value loss. If there is a value loss, it affects the homeowners. Have

we looked at the coverage of all the other cell carriers in addition to Verizon? People need the ability to call 911. Funds from the tower are going to the City. The residents are going to lose value. The Board is here to represent the residents, not Verizon. There are problems that need to be solved.

15) Thomas Marsh, 36520 Maple Grove Rd.

The community is hosting an Open House at the Grange. They are working on parking, transportation and snow removal. They hope to get a picture of the tower superimposed on the site to show the 140' tower in front of the 70' canopy. The Neighbors is a citizenship group. He wants to get the group sanctioned. They are researching public records. He does not know if there has ever been an application for a historic district there. The Gazette featured all the historic properties in Lake County 2 weeks ago including the Grange. Mr. Marsh is representing himself before the 2 Boards. The Law Director has advised him about evidence that needs to be presented. On appeal, the Common Pleas Court will not take any more evidence. He has advised the neighbors group that they need to spend some money and put together a case. Due to the complexity of laws, he reviewed issues with an attorney. He questions the extent of the improved Verizon service. He referred to the 2 documents that he distributed to Board at the beginning of the meeting and he discussed issues from the October, 20, 2016 meeting. Public Notice was sent out for Conditional Use Hearing. Fall radius is 50' according to the Sabre Industries. He expects it would fall into the building. He asked the TowerCo representative to go back and let them know that Boy Scouts and Girl Scouts are in and out of the Grange. Insurance costs will increase. He is waiting for responses from Chris Galloway. He and the Neighbors are looking for the Landscape and open space to be maintained as it was since 1951

16) Kathleen Marsh, 36520 Maple Grove Rd.

Her husband, Tom Marsh has been informing the residents about the cell phone tower. They have presented a lot of good facts. She asked that the Board consider them.

17) Chris Sammon, 2367 Rivers Edge Dr.

Safety should be first consideration. Children are in and out of the Grange. How are we to protect from mischievous children and photographers climbing the tower? He asked if any soil studies had been done. He is concerned about run-off from disturbed land, eroding and flowing down into the subdivisions. He questions how long the pedestal will support the tower. He wants to see a written report on how we protect from climbers, erosions or a falling tower.

18) Peter Pike, 2903 Cricket

Regarding Chapter 1161 which was adopted in 2006, the neighbors should know that a protection was put in for them in 1996. Any changes to uses within districts or on the Zoning map would be put before Council. Council submits it to the public for a vote. This Board does not have the authority to change it. This property is owned by the residents who are 'shareholders'. After discussion with Robert Whitehouse, President of Ohio State Grange, he states that acquisition of the property by the City for \$100 is illegal. The Grange is a 501(C)(5) which can only be sold by a public auction. The transfer needs to be investigated. He will have the information Monday. Has the City checked the Ohio Revised Code with regard to building a commercial structure next to a cemetery? The City is leasing land to a commercial entity to run a commercial business on city property in Residential area. That entity will bring in other commercial entities to join with them. To fix this, the City needs to put it on the ballot and follow the Charter. 5.5 says that adopted ordinance do not apply until the people approve of it. 6.2 says that ordinances are not in effect until the people approve. The rules can't be changed and have a deleterious effect on property values. Mr. Pike gave a copy of the City Charter to the Chairman.

19) Carl Santigado, 2394 River's Edge Dr.

He has been around WH for 40 years with his family. He is owner of La Vera Party Center at 32200 Chardon Rd. He has experienced review of his own projects. He objects to looking at a huge 140' tower in his patio that could potentially cause cancer in his children. It doesn't make sense.

20) John Plecnik, 2890 Bishop

Everyone owes thanks to Tom Marsh, Jena Bing and the residents who have been to meetings and spread notice. The City has not provided more notice in the past. That is why Mr. Fiebig is for proposing legislation to increase notice for the future. Regardless of how we got here, the average resident wants the result to be right. After hearing from the residents tonight, this Board needs to carefully examine its position. We are representatives and need to focus on what the residents care about and want. He referred to the Senior Apartment Building on Chardon Rd which was proposed in 2013. The neighbors said 'no'. Many like it now. He believe the decision should have been 'no'. In 2016, a commercial Horse Training Facility on Chardon Rd. was proposed on residential property. It was withdrawn. If it comes back, the answer should be 'no'. He has heard people for and against the cell tower. He suggests that the Board listen to residents and vote the way they are asking you to vote.

21) Jim Walsh, 38755 Berkshire Hills Dr.

He admires the passion of all who spoke. His concern as a West Ender is that they have lousy coverage. It is a safety issue. We need to pass something soon. Families use Gully Brook Park with no cell coverage. Will this tower provide coverage there?

Public Portion for 2454 River Rd. closed at 9:35 PM

2.) City of Willoughby Hills

Agent/Contractor: STRATEGIS, LLC (Agent for TowerCo.)

**2454 River Rd – Work Session Continued for Construction of Telecommunication Tower –
PPN: 31-A-012-E-00-018-0**

Plans received in Building Department 1/16/17

Plans reviewed by the Building Department 1/19/17

Plans received by City Engineer 1/16/17

Plans stamped reviewed by City Engineer 1/26/17

Present: Jason Woodward (TowerCo) and Christopher Galloway (STRATEGIS)

Building Commissioner's Comments (Wyss):

There are setback issues with the buffer setback to the ROA. They are in the review. There is an inconsistency with the Code for cell towers. If it is in publicly owned lands where the City owns property outside of the R-1 district in B-1, B-2, B-3 or any of the Industrial areas, there is no buffer zone to a ROA. In a residential zoned area, there is a 200-foot buffer to ROAs. A ROA of a road is the same in front of Loehmann's Plaza or if it is in front of the Grange. This was discussed with TowerCo. That is why they provided the 'Fall' letter that says it is designed to collapse on itself. It is unclear if those technologies were available when the Code was devised. Regarding the landscape setback to residential area behind, He and Mayor Weger have discussed asking TowerCo to move the lease area completely away from the residential lot, possibly even moving the tower if necessary. The additional lease areas for the co-locations could be reshaped. The area could be elongated into a narrower, fence area. The Law Director said the lease could be rearranged to accommodate that. The City is interested in eliminating the problem areas of the setbacks.

City Engineer's Comments (DiFranco):

- Similar to the first proposal, this would require a Conditional Use approval to be located on this property. Unlike the first proposal, he has specific concerns so approval is not recommended at this time. The Board has three options: approve, disapprove or postpone. He recommends that this be officially postponed. That sets a time line in progress where a decision needs to be done within 60 days. Otherwise, the default is 'not approved'. This has been going on since May, 2016. A decision should be made.
- He has three significant concerns:
 - Need and Location on this site: We discussed this during the first proposal, No need to reiterate. Specific to this site, are the small cells an option? Small pockets of residents might benefit from a micro-cell to provide coverage.
 - Cemetery: During the Public meeting [Oct. 20, 2016], we discussed doing ground-penetrating radar to avoid disturbing any graves. That report should be submitted before a preliminary approval is granted.
 - Variance: This is the biggest concern. The current site plan proposes a 97' setback to Maple Grove Rd. and a 132' setback to River Rd. Code requires 200'. Maple Gove setback is less than half of what is required. A large structure like this can distract drivers of vehicles traveling on the ROA. Falling objects such as ice, with the wind, can easily travel the 97'.
- The initially proposed microcell legislation in Columbus originally included macro-cells in the ROA also. They were removed. Postponement is recommended until the information can be provided.

Board Member's Comments (Lillich):

His family has been in this river valley since 1842. There have been many changes; some of them he has not liked. There are significant problems here. He suggested an alternate cell site which sits 1 mile southeast between Rt. 6 and Pleasant Valley from proposed Grange site. He showed location marked on the map. It sits on a high bluff overlooking the Chagrin River valley. The City does not own it. The Land Bank owns it but has an agreement with Metro Parks to sell it to them. If this site seems agreeable, Council will need to move quickly to see if the City could acquire the property. The applicants would need to determine if the site is acceptable. This site was proposed as a cell site when cell service first came into the area, but the City could not reach an agreement, pricewise with the landowner at that time. The site is still there. The Board should take it into consideration. The City doesn't own it but it would eliminate many of the other concerns. Mr. Lillich noted that it is almost in his backyard. It sits next to a State Nature Preserve that he has managed for almost 40 years as a volunteer. He and his wife are dedicated to preservation of the Valley. He does not think the location by the Grange is for a cell tower. But there may be no alternative. Looking forward 20-25 years and future technology, this is something that is important. He hopes the site can be moved.

Owner/Representative Comments: (Galloway and Woodward):

- (Galloway) They are working on the review provided to them in terms of updating our plans. Regarding setbacks, the size of the lot would require variances as it relates to the ROA. That is why their engineers reviewed it and provided the 'Fall Letter'. It provided that, in the extremely unlikely event of a collapsing tower, it would not impact either public street. They will confer with Verizon radio frequency (RF) engineers to get additional information on the coverage map as it related to Mr. DiFranco's comments. Regarding the need, they will build upon information already submitted. The proposed alternative location will require review regarding feasibility. They have no objection to postponing and continuing this process in order to make sure everyone's questions are satisfied.

- Verizon is still equally exploring the proposed location at Waite Hill behind their City Hall. Because it is in a valley, there is a need. The Grange site does not solve their problems. Waite Hill uses The Verizon LT network. They have two documented incidents of 911 call not getting through.
- Property value comes up most in hearings. They have done many case studies. He gave the example of Pulte Home Builders which bought a plot of land in Michigan where the home values equal to those here. They are building a 75-lot subdivision in front of 2 cell towers. One is a fully loaded guy-tower. The other is a monopole side by side. All the homes are selling at over \$600,000.
- We represent Verizon here because there is a need for them here. We also represent the other carriers. If there is interest, we will co-locate with them.
- At the end of the day, it is the responsibility of this council to protect the interests of the residents and to responsibly provide services that protect them. This will help the police and the fire
- The site will be designed to be as safe as possible, 6-8 foot, side by side (slat on slat) fencing deters climbing the fence. Climbing the tower is prevented because there it is only slick steel for the first 20-30 feet up. The climbing pegs need to be replaced for the company to climb the tower.
- We need clarification about the ground penetrating radar before proceeding with the project. We had understood that it would be fine to do the ground radar before the construction, but not before the zoning approval process because of the costs involved. We need to clarify the position of the Board whether the radar must be done prior to zoning approval.

(Smith) It is not prudent for us to ask you to do ground-penetrating radar if you don't get Final Approval. It would be waste of money. I would see that as a condition prior to construction and then the results approved by the Building Commissioner.

(Galloway) We need a consensus on that since we have a recommendation from the Engineer.

(Weger) I agree. You should not have to do it before, but it would have to be done before construction.

(Hallum) I am of the same option. As a business, I would not expect you to spend that kind of money if you are not going to be approved.

(Lillich) The reason for asking is because of the electrical or gas which will be supplied to the site. No, I do not think it would be fair to ask to do that.

(DiFranco) They are still required to do soil borings before Final Approval. I would make the ground penetrating radar requirement before Final Approval, not before construction, similar to the soil borings.

(Smith) Geotechnical soil borings are necessary before zoning approval?

(DiFranco) Yes, if the soils aren't right, or they find a grave, they need to move the site, so that will affect the layout of the site.

(Galloway) It would seem to be a part of construction. If we do geotechnical testing and is found to be insufficient, it all becomes moot.

(Lillich) The approval could also be contingent.

(Smith) It could. We obviously are not done discussing this nor an alternative site. I will take a motion for postponement and continuation.

MOTION: John Lillich moved to postpone and continue review of the possible construction of a telecommunication tower at 2454 River Rd. for the reasons stated by the Chairman and to give the applicant an opportunity to evaluate the alternate site.

Seconded by Mayor Weger

Voice Vote: Ayes Unanimous.

Motion Passes: 6/0

Additional Discussion: Mr. Lillich will send GPS coordinates and a map to the applicant. The applicant asked for the location of Gully Brook.

UNFINISHED BUSINESS

Master Plan Review- postponed.

NEW BUSINESS

None

MAYOR'S REPORT

Regarding the two towers that were proposed, the police chief said they would be very helpful with maintaining their computer systems because they use Verizon air cards. Getting those would be a safety concern. The West End has very poor reception which affects their cell phones and air cards. The east site needs cell service for their computers.

COUNCIL REPRESENTATIVE'S REPORT (Hallum)

None

BUILDING COMMISSIONER'S REPORT (Wyss)

Regarding the Pleasant Valley site, the Land Bank Board and the Park Board have approved the plan for transfer of the property. According to Land Bank rules, the City had had first option on the property. There is more than enough level ground up there for a cell site. We would have to request that both boards reverse their decision. Per Board discussion, the Mayor will contact them to lay the groundwork while the applicant evaluates the site.

CHAIRMAN'S REPORT

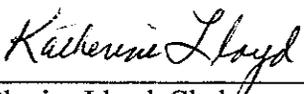
Thank you to the Board for their participation tonight.

Board Member's Report:

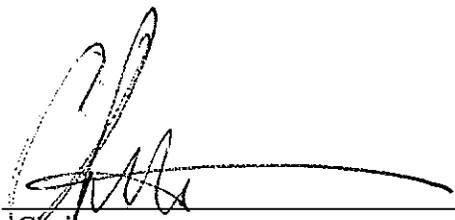
Mr. Lillich reported that on or before March 29th, the Audubon Society, together with the help of Western Reserve Land Conservancy, will take possession of another 80 acres in the Chagrin River Valley. It is part of the Riggin farm, John Klement's property and the Kenneley property. It will double the size of our Nature Preserve from 81 to 160 acres. This was a million-dollar project. The Audubon Society is 100% volunteers.

MOTION: Michael Tyler moved to adjourn.
Seconded by John Lillich.
Voice Vote: Ayes Unanimous.
Motion Passes: 6/0

Meeting Adjourned at 10.04 P.M.



Katherine Lloyd, Clerk



Chairman

16 February 2017

Date Approved