

Athens City Planning Commission
Minutes of Regular Meeting
Thursday, October 19, 2017, 12:00 p.m.

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor, at City Hall on October 19, 2017.

Attendees: none

1. Call to Order

RJ Sumney called the regular meeting of the Planning Commission to order at 12:07 p.m. There was no one in the live audience to swear in. Quorum was established.

PLANNING COMMISSION MEMBERS:

RJ Sumney, Chair	Present
Christy Zempter	Present
Nancy Bain, Vice Chair.....	Present
Steve Patterson, Mayor	Absent
Paula Horan Moseley, Service-Safety Director.....	Present

STAFF:

Paul Logue, City Planner	Present
Rick Sirois, Code Enforcement Director.....	Present

2. Disposition of Minutes

RJ Sumney moved to accept the October 5, 2017 minutes. Christy Zempter seconded. All present voted aye. Motion passed.

3. Cases

**Case #17-19 Title 43 Wireless Telecommunication
7746 N. Blackburn Road
Spirit Communications**

Rick Sirois/Synopsis

This is a modification to an existing 300' self-supporting tower. The applicant, Spirit Communications, plans to mount one Nicom BKG/77 antenna at the 161 ft. elevation. Supporting equipment consisting of a cabinet will be located on the same pole at ground level. Proper supporting documents were provided for the structural analysis of wind and foundation requirements. After a review of the documents it was determined that it met with Code requirements under Title 43.

A similar modification request on same tower at 255' level was submitted by AT&T was approved in July.

In addition, the applicant is respectfully requesting relief from the \$2500 application fee under ACC 43.27 Relief. The applicant is a 5013C nonprofit organization. WUFM is licensed by the FCC as a noncommercial, educational FM radio station. It is a nonprofit organization that operates without any commercial advertising and relies entirely on community and listener donations for their funding.

Applicant: Spirit Communications/Chris Winters agent

Property Owners: Columbus Southern Power and Ohio Electric

Tower Owner: American Tower Corp

Zone: B1

Estimated value of improvement: \$15,000

Discussion

RJ Sumney: We were going to break this out into two separate votes; the relief from the fee and the tower modification. Lisa Eliason provided an email regarding the question about the fee waiver.

Rick Sirois: The Law Director emailed her opinion regarding the relief of the fee. Mr. Sirois read the Law Director's October 9, 2017 email:

"Mayor and Paula, Rick and I discussed the issue of waiver of the fee for Spirit Communications. ACC 43.27, Relief, provides for waiver. However, ACC 43.06, Exclusions, provides, "The following are excluded from this title....(D) Facilities exclusively for private, non-commercial radio and television reception and private citizens bands, licensed amateur radio and other similar non-commercial telecommunications." Our code does not include the term "non-profit." However, Spirit Communications, Inc. has a "Blanket Certificate of Exemption" from the Ohio Department of Taxation that recognizes them as a "non-commercial broadcasting station." Spirit Communications classification from the State of Ohio falls within our "non-commercial telecommunications" exemption. Regards, Lisa"

Christy Zempter: To clarify, the Law Director is stating that based on the applicants classification by the State of Ohio, they are excluded from eligibility for a waiver?

Rick Sirois: No, they don't have to pay the fee.

Paul Logue and Paula Moseley: They interpret it as the applicant is excluded and is not required to submit an application.

Christy Zempter: So the proposal is not even subject to our review; they are excluded from the requirements of the title.

The Commissioners recommended that the case be removed from consideration because it is excluded from the requirements of the title. There is no need to vote, so they can go ahead with the antenna.

4. Communications

Bylaws and Rules of Order

With the Mayor's absence, RJ Sumney moved to table the discussion. Christy Zempter seconded. All present voted aye. Motion passed.

5. **Report from City Planner and Director of Code Enforcement**

Paul Logue

The city's Comprehensive Plan Update has started and is ongoing. There is an online survey (takes about 10 minutes) to mirror last month's visioning workshop, available on the city website. There are about 50 responses so far; his goal is 200.

Rick Sirois

Possible Communications for the next meeting:

- 88 East State Street/Prokos Rentals office building.
- 237 W. Washington Street across from the West End Cider House. Minor modifications.
- Atlas Ventures multiple lot splits in University Estates. Modification to a PUD.

Paula Moseley: Attended several sessions of the Ohio Planning Association Conference and hopes to provide feedback to the Planning Commission at the next meeting or the meeting after next.

6. **Opportunity for Citizens to Speak**

None

7. **Announcements & Other Business**

None

8. **Adjournment**

The meeting was adjourned at 12:18 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens