

**HENRY COUNTY PLANNING COMMISSION**  
**1201 RACE STREET, SUITE 214**  
**NEW CASTLE, INDIANA 47362**

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The Henry County Planning Commission held a Regular Meeting in the Old Circuit Courtroom of the Henry County Courthouse, 101 S. Main Street, New Castle, IN 47362 on Thursday, February 16, 2017.

The meeting was called to order at 6:30 pm by President Steve Rust.

Roll was called. Board members present were: Dale Cole, Randy Jones, Daniel Roach, Steve Rust, Olene Veach, Ed Yanos, and Justin Curley. Board members absent were: Robin Fleming (joined after roll call). No replacement has been made for Joe Manis.

Also present were Darrin Jacobs, Zoning Administrator, Katie Langer, Planning Commission Staff, and Sean Row, Attorney.

**Previous Minutes**

The Board read and approved the January 19, 2017 minutes with a vote 7-0. The motion to approve was made by Dale Cole and seconded by Ed Yanos.

Robin Fleming joined the meeting at 6:35.

**Case B: 2208**

Capital Telecom Acq., LLC is requesting a Commission Approved Use to construct a wireless communication facility and a 295 foot tall guyed tower with a 5 foot tall lightning rod for a total height of 300 feet. The property is owned by LUELLEN FARMS INC 2236 N WILBUR WRIGHT RD MOORELAND, IN 47360. The property parcel number is: #001-02202-00 and is near 2468 N COUNTY RD 600 E in Blue River Township.

President Steve Rust read the request and called a representative for the case. Attorney Russell Brown with Clark, Quinn, Moses, Scott & Grahn, LLP stepped to the podium.

Mr. Brown stated Capital Telecom is a custom builder and builds and maintains their own towers. On this site Verizon is a committed tenant. Mr. Brown stated this site is 238 acres and zoned Agriculture. Mr. Brown also stated this tower would allow 3 additional carriers and would be lit to meet FAA regulations. Mr. Brown stated that Capital Telecom received a "No Hazard" letter from the FAA. Mr. Brown also stated that the tower was needed because of the increased data usage and the tower will be located to help fill in holes and increase speed and capacity.

President Steve Rust asked the board if they had any questions.

Ed Yanos asked about needing future site locations. Mr. Brown answered by saying that co-location is preferred and that the process takes 18-24 months from the time they react to customer need. If they co-locate they save 9 months not going through zoning.

Randy Jones Asked Zoning Administrator, Darrin Jacobs if he could explain, as it pertains to this case, the development code for setbacks. Darrin Jacobs stated that a new cell tower should not be approved unless the Planning Commission finds that the planned telecommunication equipment cannot be accommodated on an existing or approved tower within a one (1) mile search radius.

Justin Curley asked Darrin Jacobs if this tower would be taller than other towers in the county and how tall other towers are. Darrin Jacobs answered that Raysville had a tower that is 275ft tall, but that most of the towers in the county are below 200ft.

President Steve Rust asked for any comments in support. There were none.

President Steve Rust asked for any comments in opposition.

Attorney Martin Shields representing REMC approached the podium and stated that under the current development code it is not feasible to approve the tower under the current ordinance. Mr. Shields introduced Shannon Thom, REMC Chief Executive Officer, to go into particulars about their tower.

Shannon Thom approached the podium. Mr. Thom explained that REMC has 5 towers, one of which they are waiting on the weather to be able to stand it up. Mr. Thom referred to Section 8.2 of the development code and stated that he did not receive any attempts to co-locate on his tower. Mr. Thom did however receive a call asking him to not build his tower and to co-locate on the proposed Telecom Tower. Mr. Thom stated he reached out to Verizon and Verizon was not prepared to discuss at that time.

Randy Jones Asked Mr. Thom if he was interested in co-locating on the proposed Telecom Tower and Shannon Thom replied that the REMC tower is already built.

Ed Yanos asked Mr. Thom if he was willing to raise their tower and if the foundation was capable of an increased height. Shannon Thom responded that he would entertain the idea of increasing the height, but that he was uncertain if the current facility would support additional height and that an engineer would need review the plans.

David Herring expressed concerns about the Wilbur Wright Birthplace. Capitol Telecom collaborates with State historical location requirements.

Aaron Strong approached the podium stating that he believes this proposed tower would be too close to the already approved REMC tower. Mr. Strong was concerned about having a tower out his front door (REMC) and another tower out his back door (proposed Verizon tower) when there is already 6 blinking towers nearby. Shannon Thom added that the REMC tower will not be lit.

Richard Moore stated that he sold the ground to REMC for their tower and feels it would be a disservice to REMC to allow another tower so close to the already approved REMC tower.

Gary Rogers asked if the need for this new tower is due to growing population. Russell Brown answered that the need is based on usage, that most households have more wireless devices than people. Mr. Brown stated that the need is for increased data usage and not increase in population.

Tom Norris expressed concern of proliferation of towers.

Susan Kuback expressed concern about the need for lighted towers across the county and preferred 200ft towers that don't need lit.

President Steve Rust asked for any Comments from the Government. There were none.

President Steve Rust made a motion to table. There was no Second.

Robin Fleming stated she would like to see more information.

Ed Yanos stated the goal needs to be co-location and he was concerned tabling does not give Verizon incentive to negotiate.

Dale Cole added that it bothers him there have been requests for more towers everywhere and there needs to be a greater effort to co-locate.

The vote on the Findings of Fact was as follows:

Board Member	Question 1	Question 2	Question 3
Dale Cole	YES	YES	NO
Randy Jones	YES	YES	NO
Dan Roach	YES	YES	NO
Steve Rust	YES	YES	NO
Olene Veach	YES	YES	NO
Ed Yanos	YES	YES	NO
Justin Curley	YES	YES	NO
Robin Fleming	YES	NO	NO

The Commission Approved Use request was **DENIED**.

### **Unfinished Business**

None

**New Business**

Zoning Administrator Darrin Jacobs informed the board that he had received complaints and made aware of an upcoming event called Mudstock. Darrin Jacobs and Attorney Sean Row did research and CAU is needed for Recreational Development and/or camping. Mr. Jacobs delivered a CAU application to the property owners and has not received an application back as of this meeting. Precedence was set with the Farmers Pike Festival, where a CAU was granted.

President Steve Rust expressed concern and wants to make provisions to protect the neighbors.

Randy Jones asked if this event is a onetime event and if the event on Agriculture would be allowed with a CAU. Darrin Jacobs responded that his understanding is that there could be multiple events and that this type of an event would be allowed with an approved CAU.

Darrin Jacobs asked the Planning Commission if the board would like to take all available action under the Henry County code if a complete application is not filed.

Ed Yanos moved to grant the Zoning Administrator Darrin Jacobs and Attorney Sean Row the ability to move forward with enforcement and legal action if a completed application is not received or the event proceeds without approval. Olene Veach seconded. All in Favor.

Zoning Administrator Darrin Jacobs informed the board that American Structurepoint Stakeholder meetings website is up and running.

President Steve Rust Introduced new member Robin Fleming to the board.

Dale Cole moved to adjourn the meeting. Dan Roach seconded and the motion carried 7-0.

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President

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Secretary