

## GREENEBAUM DOLL &amp; MCDONALD PLLC

3300 NATIONAL CITY TOWER  
101 SOUTH FIFTH STREET  
LOUISVILLE, KENTUCKY 40202-3197  
502/589-4200

HOLLAND N. MCTYEIRE, V  
502/587-3672  
FACSIMILE 502/540-2223  
E-MAIL hnm@gdm.com

*VIA FACSIMILE*

April 18, 2000

Todd Morgan  
Planner  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

Re: In the Matter of: Uniform Application Of Cincinnati SMSA Limited  
Partnership For The Issuance Of A Certificate Of Public Convenience And  
Necessity To Construct A Wireless Communications Facility In Florence,  
Boone County, Kentucky And Called The Florence/Turfway Park Cell Site,  
AACM, Case No. 1999-464 UAC

Dear Todd:

As I advised you by voice mail earlier today, Ameritech Cellular requests that the Meeting to be held by the Boone County Planning Commission (the "BCPC") currently scheduled for Wednesday, April 19, 2000 to consider the Florence/Turfway Park Cell Site be Continued until Wednesday, May 3, 2000 in order to allow Ameritech Cellular to provide the BCPC with the information it requested regarding the inability of Ameritech Cellular to collocate on the existing Cell Site at Turfway Park because of construction, or other, concerns expressed by Turfway Park. Representatives of Ameritech Cellular and Turfway Park had a meeting on Thursday, April 6, 2000 to discuss the above issues, and any possible resolution thereof, and are continuing those discussions. Hopefully, Ameritech Cellular will be in a position to discuss these issues with the BCPC at its meeting on May 3, 2000.

Ameritech Cellular agrees to extend the 60-day deadline set forth by House Bill 168 Section 2(4)(c), now codified as KRS 100.987(4)(c), for a decision by an additional 14 days or the number of days of the Continuance granted to Ameritech Cellular by the BCPC.

I have provided the Commission with a copy of this letter to reflect that Ameritech Cellular and the BCPC have agreed to again extend the deadline imposed by KRS 100.987(4)(c).

GREENEBAUM DOLL & McDONALD PLLC

Todd Morgan  
April 18, 2000  
Page 2

If you have any questions with regard to this matter, please do not hesitate to call me.

Sincerely,



Holland N. McTyeire, V

HNMM/krb

cc: Martin J. Huelsmann  
Jeff Johnson  
Lois J. Reed  
Cynthia Rafalski  
Sean P. Dunn

LOU:554362.1

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VIA FACSIMILE

April 3, 2000

Todd Morgan  
Planner  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

Re: In the Matter of: Uniform Application Of Cincinnati SMSA Limited Partnership For The Issuance Of A Certificate Of Public Convenience And Necessity To Construct A Wireless Communications Facility In Florence, Boone County, Kentucky And Called The Florence/Turfway Park Cell Site, AACM, Case No. 1999-464 UAC

Dear Todd:

As we discussed earlier today, Ameritech Cellular requests that the Meeting to be held by the Boone County Planning Commission (the "BCPC") currently scheduled for Wednesday, April 5, 2000 to consider the Florence/Turfway Park Cell Site be Continued until Wednesday, April 19, 2000 in order to allow Ameritech Cellular to provide the BCPC with the information it requested regarding the inability of Ameritech Cellular to collocate on the existing Cell Site at Turfway Park because of construction, or other, concerns expressed by Turfway Park. Representatives of Ameritech Cellular and Turfway Park are meeting on Thursday, April 6, 2000 to discuss the above issues, and any possible resolution thereof, which they will be in a position to discuss with the BCPC at its meeting on April 19, 2000.

Ameritech Cellular agrees to extend the 60-day deadline set forth by House Bill 168 Section 2(4)(c), now codified as KRS 100.987(4)(c), for a decision by an additional 14 days or the number of days of the Continuance granted to Ameritech Cellular by the BCPC.


I have provided the Commission with a copy of this letter to reflect that Ameritech Cellular and the BCPC have agreed to again extend the deadline imposed by KRS 100.987(4)(c).

GREENEBAUM DOLL & McDONALD PLLC

Todd Morgan  
April 3, 2000  
Page 2

If you have any questions with regard to this matter, please do not hesitate to call me.

Sincerely,



Holland N. McTyeire, V

HNM/lf

cc: Martin J. Huelsmann  
Jeff Johnson  
Lois J. Reed  
Cynthia Rafalski  
Sean P. Dunn

LOU 527893.1

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HOLLAND N. MCTYEIRE, V  
502/587-3672  
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E-MAIL hnm@gdm.com

VIA FACSIMILE

March 14, 2000

Todd Morgan  
Planner  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

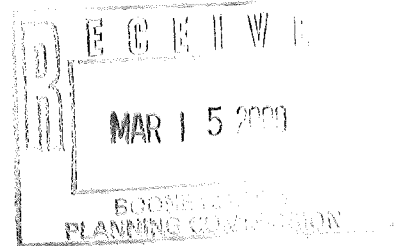
Re: In the Matter of: Uniform Application Of Cincinnati SMSA Limited Partnership For The Issuance Of A Certificate Of Public Convenience And Necessity To Construct A Wireless Communications Facility In Florence, Boone County, Kentucky And Called The Florence/Turfway Park Cell Site, AACM, Case No. 1999-464 UAC

Dear Todd:

As we discussed yesterday, Ameritech Cellular requests that the Meeting to be held by the Boone County Planning Commission (the "BCPC") currently scheduled for Wednesday, March 15, 2000 to consider the Florence/Turfway Park Cell Site be Continued until Wednesday, April 5, 2000 in order to allow Ameritech Cellular to provide the BCPC with the information it requested regarding the inability of Ameritech Cellular to collocate on the existing Cell Site at Turfway Park because of construction, or other, concerns expressed by Turfway Park. Turfway Park is unable to provide the BCPC with the information the BCPC requested by tomorrow.

Ameritech Cellular agrees to extend the 60-day deadline set forth by House Bill 168 Section 2(4)(c), now codified as KRS 100.987(4)(c), for a decision by 21 days or the number of days of the Continuance granted to Ameritech Cellular by the BCPC.

I have provided the Commission with a copy of this letter to reflect that Ameritech Cellular and the BCPC have agreed to extend the deadline imposed by KRS 100.987(4)(c) and again apologize for my previous failure to do so.

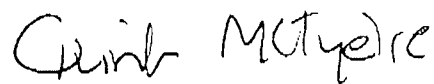


GREENEBAUM DOLL & MCDONALD PLLC

Todd Morgan  
March 14, 2000  
Page 2

If you have any questions with regard to this matter, please do not hesitate to call me.

Sincerely,



Holland N. McTyeire, V

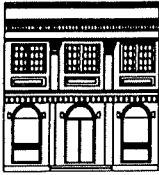
HNM/jh

cc: Martin J. Huelsmann  
Jeff Johnson  
Lois J. Reed  
Cynthia Rafalski  
Sean P. Dunn

LOU:527893.1

# BOONE COUNTY PLANNING COMMISSION

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2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail [plancom@one.net](mailto:plancom@one.net)

March 10, 2000

Ms. Helen Helton  
Executive Director  
Kentucky Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, KY 40601

RE: In the Matter Of: Uniform Application of Cincinnati SMSA Limited Partnership for the Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in Florence, Boone County, Kentucky and Called the Florence/Turfway Park Cell Site, AACM, Case No. 1999-464 UAC

Dear Ms. Helton:

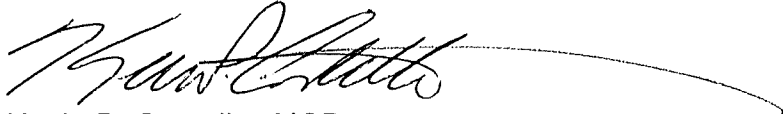
This letter is to inform you that Ameritech Cellular has filed its Uniform Application for a cellular telecommunications facility before the Boone County Planning Commission in accordance with the provisions in KRS Chapter 100.985 - 100.987. The submitted Uniform Application is for a site located at 7500 Turfway Road in Boone County, Kentucky.

In the review of this Uniform Application before the Boone County Planning Commission, the applicant, Ameritech Cellular, agreed on February 14, 2000 to waive the 60-day deadline set forth in KRS 100.987(4)(c) [see attached letter]. Consequently, the Boone County Planning Commission would like the Kentucky Public Service Commission to void its previous action to approve the above application since a local decision and recommendation by the Boone County Planning Commission was not made at the applicant's request. The Boone County Planning Commission will be making a decision within the next 2-3 weeks.

Ms. Helen Helton  
March 10, 2000  
Page 2

On behalf of the members of the Boone County Planning Commission, I appreciate your time and consideration of this matter. Please advise us in writing of your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin P. Costello", with a long horizontal flourish extending to the right.

Kevin P. Costello, AICP  
Executive Director

KPC/vlm

Enclosure

cc: Sean P. Dunn, Esq.  
Todd Morgan, Planner  
Dale T. Wilson, Esq.

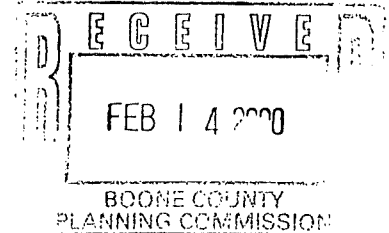
CALFEE, HALTER & GRISWOLD LLP  
ATTORNEYS AT LAW

Suite 1500  
88 East Broad Street Columbus, Ohio 43215-3506  
614/621-1500 Fax 614/621-0010

email: sdunn@calfee.com

February 11, 2000

Todd Morgan  
Planner  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005



Re: In The Matter Of: Uniform Application Of Cincinnati SMSA Limited Partnership  
For The Issuance Of A Certificate Of Public Convenience And Necessity To  
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Kentucky And The Called The Florence/Turfway Park Cell Site,  
AACM Case No. 1999-464 UAC


Dear Todd:

As we discussed, Ameritech Cellular requests that its above-cited application not be considered at the Business Meeting to be held by the Boone County Planning Commission (the "BCPC") currently scheduled for February 16, 2000 and that the application instead be considered at the Wednesday, March 15, 2000 Business Meeting. The extra time will allow Ameritech Cellular to provide the BCPC with the information previously requested regarding alternative site locations.

Ameritech Cellular agrees to extend the 60-day deadline set forth by House Bill 168 Section 2(4)(c), now codified as KRS 100.987(4)(c), for a decision by the BCPC by the number of days of the continuance granted to Ameritech Cellular by the BCPC.

If you have any questions with regard to this matter, please do not hesitate to call me.

Very truly yours,

  
Sean P. Dunn

cc: Lois J. Reed  
Cynthia Rafalski  
Holland N. McTyeire, V

CALFEE, HALTER & GRISWOLD LLP

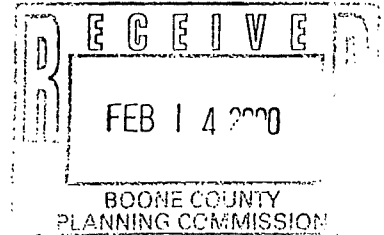
ATTORNEYS AT LAW

Suite 1500  
88 East Broad Street Columbus, Ohio 43215-3506  
614/621-1500 Fax 614/621-0010

email: sdunn@calfee.com

February 11, 2000

Todd Morgan  
Planner  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005



Re: In The Matter Of: Uniform Application Of Cincinnati SMSA Limited Partnership  
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If you have any questions with regard to this matter, please do not hesitate to call me.

Very truly yours,

A handwritten signature in cursive script that reads "Sean P. Dunn".

Sean P. Dunn

cc: Lois J. Reed  
Cynthia Rafalski  
Holland N. McTyeire, V

## COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Don McMillian, Chairman

**DATE:** May 17, 2000

**RE:** Request of **Ameritech (applicant)** to consider an application for a Wireless Communication Facility at 7500 Turfway Road, Boone County, Kentucky. The request is for the construction of a 147 foot monopole communication tower.

### REMARKS:

We, the Committee, recommend approval of this request based upon the findings of fact and with the following conditions:

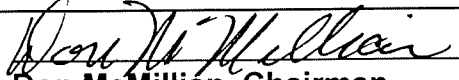
#### Findings of Fact

1. The Committee has concluded that the proposed Uniform Application to allow a 147 foot monopole communication tower is in general agreement with Article 31, Section 3197 of the Boone County Zoning Regulations. Although the proposed wireless communication facility is not located within a preferred zoning district (R/PD), the Committee determined that granting a zoning district waiver was warranted due to the tower's proximity near two other monopole towers and racetrack lights.
2. The Committee has concluded that the attached condition(s) are necessary to achieve consistency with Article 31, Section 3197 of the Boone County Zoning Regulations. The Committee has also concluded that the attached condition(s) are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

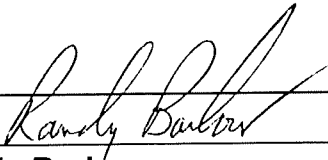
#### Conditions

1. The Planning Commission will grant a waiver to permit the telecommunication tower within a Recreation/Planned Development Zoning District.
2. The Planning Commission will grant a waiver to permit an overall tower height of 147 feet.
3. The Planning Commission will grant a waiver to permit a monopole tower.
4. The Planning Commission will grant a waiver to eliminate the Type "A" buffer yard that is required around the base of the tower. The applicants will work with Staff to provide some form of shrubbery on the northeastern and southeastern sections of the fence compound.

A copy of the Public hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

  
\_\_\_\_\_  
**Don McMillian, Chairman**

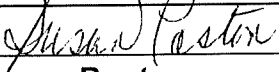
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

  
\_\_\_\_\_  
**Randy Barlow**

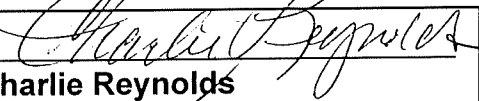
For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

\_\_\_\_\_  
**Richard Knock**

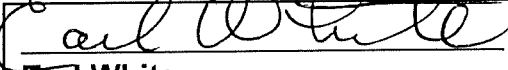
For \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent

  
\_\_\_\_\_  
**Susan Poston**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

  
\_\_\_\_\_  
**Charlie Reynolds**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

  
\_\_\_\_\_  
**Earl White**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

\_\_\_\_\_  
**Lisa Wilson**

For \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent

**TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 2 ABSENT**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
February 2, 2000  
7 P.M.**

**PUBLIC HEARING**

**Commission Members Present:** Mrs. Arnett - Secretary/Treasurer, Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney, Vice Chairman, Mr. Hicks, Mr. Knock, Mr. McMillian, Mrs. Poston, Mr. Reynolds, Mr. Ries - Temporary Presiding Officer, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director, Ms. Jan Hancock, Secretary, Mr. Todd Morgan, Planner.

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

1. **Applicant:** Ameritech

**Request:** Wireless Communications Facility

**The request of Ameritech (applicant) to consider an application for a Wireless Communications Facility at 7500 Turfway Road, Boone County, Kentucky. The request is for the construction of a 147 foot monopole communication tower.**

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Shawn Dunn, speaking for Ameritech Cellular, 88 East Broad Street, Suite 1500, Columbus, Ohio, stated that they have been serving customers in this area since 1984 and the growth of wireless communication devices over the last few years has been explosive. When they put in their first site in 1984, there was no such thing as the hand-held telephones people now carry. The hand-held

telephone is less powerful and customers have to be closer to a tower or antenna, so Ameritech and their competitors have had to continue to add facilities to serve their customers. He stated that the best scenario is to find a building or tower and put an antenna on it. Their real estate brokers conducted an extensive search of the area for such a facility. They cannot find an existing structure tall enough for their antenna, but were able to find a light post at the racetrack that is 67 feet tall. They can replace the light post with a 130-foot tall monopole and put their antenna on it for a total of 147 feet. The site is removed from residential uses and there are many tall structures in the area. There are over a dozen of the 67-foot tall light poles and two cellular towers at the racetrack.

Mr. Dunn referred to the Staff Report (Page 4) and the Design Guideline that the tower "must be gray or have galvanized steel finish". He stated that they prefer that it match the other light posts to minimize the aesthetic impact and ask for relief from this requirement. In regard to Staff Comments 3 and 4, he stated that they can address either but not both. In regard to Staff Comment #3 and the buffer yard requirements, he stated that the area is surrounded by fences and parking lot and there is no aesthetic impact without a buffer yard. The other cellular towers are not buffered. In regard to Staff Comment #4, he stated that if they do not have the ten-foot buffer, then they can modify their Site Plan so that a competitor's building can be situated in their lease area. The monopole will be constructed to carry the antenna of a competitor. He stated that the way the lease is written, the landlord would not have the right to block another carrier or pole. He suggested a condition that they alter the building location so that two buildings will fit, and asked that the buffer yard requirements be waived. In regard to Staff Comment #6, he stated that they propose to camouflage the tower as opposed to having it gray or galvanized. He referred to Page 3 of the Staff Report and the potential co-location sites. He stated that they cannot co-locate on either of the existing monopoles on the site because they are too short. Their antenna needs to be on a structure 130 feet tall. They have looked at replacing either of these two structures. He stated that the Cellular One monopole is approximately 135 feet tall, but their equipment requires a 30-foot vertical separation from the Cellular One equipment – which would require a 165-foot monopole plus the 17-foot antenna – and the landowner is not happy with that. He stated that all of the monopoles have significant foundations. In constructing both of the monopoles, there were engineering issues with tearing up the parking lot and the electrical work and the landowner does not want them to tear up the foundations. On the Sprint monopole at the racetrack, they would only require a ten-foot separation and would be looking at a 135-foot monopole structure. This would not require zoning approval and Staff has asked them to do this, but the landowner does not want them to go in and tear out the substantial foundation and the parking lot and deal with the electrical problems when it is simpler to replace the smaller foundation on the light stand. He offered to answer any questions.

Chairman Caddell stated that the Planning Commission only allowed thirty minutes for this hearing. He asked the applicant to expedite their presentation so that there will be time for the Commissioners to ask questions.

Mr. Jeff Gabbard, Radio Frequency Engineer, presented and reviewed exhibits (small copies were submitted in a three-page handout). He reviewed the map showing their coverage area and noted the solid coverage zone shown in blue and the weak coverage zone shown in red. He noted the red areas along I-75. He stated that their primary objective is to fix the red areas, especially along I-75 and Turfway Road. The site has good coverage to fix the areas to the north and south. He presented a slide of what their coverage would be like after the tower is operating noting that all the red areas are gone. He presented a map of the existing structures in the area. He reviewed the potential co-location sites (Page 3 of the Staff Report). He stated that Site #1 is too close to their Cell Tower #149 and would not fix the coverage problem on KY 18. Site #2 is a microwave tower that is too short and would not fix the coverage on KY 18 or in the area of I-75. Site #3 is the Florence Water Tower and it would fix everything – but they have been denied at least three times by the City of Florence. Site #4 does not fix the coverage concerns on I-71 and to the north and leaves a coverage problem on KY 18. Sites 5 and 6 are right next to each other and leave coverage problems to the north and on I-75. He stated that the proposed location gives the best coverage to the north, along I-75, and along KY 18. He offered to answer any questions.

Chairman Caddell asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mr. Knock asked if the applicant has a record or minutes of his meeting with the landlord stating the objections. Mr. Dunn responded “no” but noted that Ameritech’s real estate manager is present and he has more detailed knowledge of the discussions. He stated that they asked the landlord to attend the meeting this evening but he was not able to make it.

Mr. Knock asked if there is an association of wireless companies where they would discuss things like this or if they have talked to other wireless communication companies as to how a tower like this might be constructed to meet their needs in the future to help reduce the number of cell towers in the future.

Mr. Dunn responded that there is no formal association of wireless companies to exchange future planning data. There are personal relationships among the real estate people with the different companies. He reviewed the exhibit in regard to the existing co-location towers. He stated that the Ameritech Real Estate Manager knows the names of the real estate people in the other companies and there are standard lease agreements with those companies. He stated that the reason there will be three poles at Turfway has to do with timing of when there are dollars to expand the network. He stated that Ameritech, AirTouch, and AT&T are competitors and they are not going to say "we are going to make a big bet in Boone County and suggest you do the same in a year and a half". He feels there would be less monopolies if the Telecommunications Act had not opened up as much industry as it did. He questioned how much of an aesthetic impact there would be to Turfway Park to put up another tower.

Mr. Knock asked if Ameritech or an association has talked about this particular tower and how it may accommodate the future needs of a co-locator. Mr. Dunn responded "no" and stated that they will build it to accommodate co-location. Mr. Knock stated that lack of communication is causing the proliferation of cell towers.

Mr. Hicks asked if they would have to negotiate a lease with Turfway Park if they co-located with Sprint. Mr. Dunn responded that he does not know. He stated that they could not tear down the tower, tear out the foundation, and move the electrical wires without the landlord's approval. He stated that all their leases allow them to put up a structure that is the current height.

Mr. Hicks stated that if Ameritech co-locates, there is not a lease contract, but if there is a third tower then there is another lease. Mr. Dunn responded that it is not a monetary issue.

Mr. Schwenke stated that there always seems to be a problem with co-locating on an existing tower because of the height problem, and a lot of times the problem is as little as ten feet. He questioned if there is a problem in going just a little higher, even another ten feet which might make the difference and allow co-location in the future. Mr. Dunn responded that higher is not always better. The system is about a lot of people with limited frequency. If they built one 500-foot tower in the middle of an area, the network would not work because there would not be enough frequency to carry all the traffic. He stated that height is a sensitive issue in this area because of the terrain. Mr. Schwenke asked if just a few feet would make the tower more attractive for co-location and not affect the range. Mr. Gabbard responded that in this case, a few feet would not matter – but there will be FAA restrictions because of the airport. He stated that it is usually better to have shorter towers because they reuse the channels and they are fairly close together.

Mrs. Arnett questioned a cell tower in the vicinity of Houston Road and Donaldson Road that was approved late last year. Mr. Morgan responded that one was approved at Cox and Turfway Roads. Mrs. Arnett noted that it was not on the exhibit. Mr. Morgan stated that only towers within two miles were listed. Mr. Costello commented that it is very close. Mr. Morgan stated that AT&T has not built that tower yet, and Ameritech could take over that lease. Mrs. Arnett asked if it would be out of the search ring. Mr. Morgan responded that normally the search rings are smaller since one tower has to be able to hand off to the next without disrupting service. He stated that AT&T is not going to build this tower, but someone else could. Mr. Costello asked if the PSC approved it. Mr. Morgan responded "yes".

Mr. Zimmer stated that the applicant had no idea about the tower at Cox and Turfway Roads. He advised the applicant that the Boone County Zoning Regulations and the Wireless Communications Study contain a list of cell tower locations and at the top of the list are co-locations. He stated that the applicant needs to communicate and be aware of towers that have been approved or are pending approval. He asked Staff if the site at Cox and Turfway Roads is approved for a tower, or would another applicant have to come in for rezoning of that site. Mr. Morgan responded that he has discussed this issue with Mr. Wall. He stated that the site is approved for a tower and someone else could take over the lease and build the tower to the approved height. If they make modifications, they would have to come back to the Planning Commission. Mr. Costello stated that they would also have to comply with any conditions.

Chairman Caddell questioned how long that approval is good for. Counselor Wilson advised that state statute does not put a limit on the zoning, but there might be a limit on the approval from the PSC. Mr. Costello will check into this.

Mr. McMillian stated that one of the conditions was that another user would co-locate on that tower. He feels that Ameritech wants to build a tower that only they can use. He noted that the applicant indicated that they would allow co-location, but another company would not be able to get a permit from the racetrack to build another building. He noted that the applicant said that the rest of the towers were not tall enough – but the GTE tower is 135 feet and they are only asking for 130 feet plus an antenna. He questioned why they could not use the 135-foot GTE tower. He stated that the applicant also said that the other towers do not have any buffer, so why should they. He advised the applicant that we want to build better towers, not worse.

Mr. Morgan commented that the applicant said that they need separation so that there will not be interference and two companies cannot put their antennas at the same height.

Mr. Ries questioned if there are interference guidelines set by the FAA and FCC since there are so many towers close to the airport. He asked if the transmissions from the towers will interfere with the airplanes.

Mr. Morgan responded that there are FCC and FAA regulations. The FAA looks at the height of the towers and the FCC makes sure there is no interference with the systems. Mr. Ries commented that at certain times on an airplane you cannot use a cell phone because of interference between the airplane and the tower. It seems that with all of these towers around the airport, there would at times be interference. He stated that a 147-foot tower is twice the height of the light poles. The airplanes sometimes come in low with low ceilings and towers of 150 feet or 175 feet seem to be close to the airplanes. Mr. Morgan responded that there is an independent company that can give a preliminary determination and they will indicate if extended study is needed. He stated that the FAA looks at each tower that is proposed. Mr. Costello added that the FAA looks at the height of the structure, but not the frequency issue. He has a layout of the airport that shows the location of the runways and any interference. He stated that we get notification from the airport when someone wants to build close to the airport. There is one in Bluebird Subdivision that was limited to 91 feet because it was in the path of the north/south runway.

Chairman Caddell asked if there were any further comments or questions.

Mrs. Poston asked the applicant to clarify the landlord's objection to the use of the other towers.

Mr. Dunn stated in response to Mr. Ries' comments that because of the proximity to the airport, they are required to go through a review process with the FAA before turning the transmitters on. They have to contact the FAA and get final approval. They have to get final approval in regard to radio frequency and height issues. Those issues are regulated and will be resolved.

In response to Mrs. Poston's question, Mr. Dunn stated that the parking lot of the racetrack contains man made stuff everywhere and the landscape is covered with "sticks". In the landlord's opinion, putting up another monopole with an antenna does not change the aesthetic character of the area because that is the character of the area. He stated that there is not a lot of difference in replacing a light pole and making it taller. He stated that they are trying to improve the service in the area because it is a competitive environment.

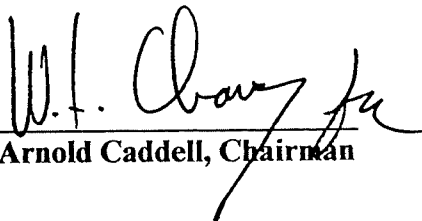
Mrs. Poston questioned the issues involved in taking a monopole down as opposed to putting in this one. Mr. Dunn responded that the two existing monopoles are closer to the grandstand and they do not know what is under there in terms of running a rack track. Mrs. Poston questioned if they would run into

any of those issues with the pole they plan to construct. Mr. Dunn responded that when the two monopoles were put up, there were significant construction issues with moving wires and electrical and those foundations were substantially larger than the ones around the 67-foot light standards. When they replace the 67-foot light standard, they do not have to do nearly the amount of demolition in the parking lot and they are further away from the wiring – so that is what the landlord wants them to do. He stated that they tried to get a letter from the landlord or have the landlord present, but they were not able to do that.


There being no further comments, the Chairman stated that the Committee Meeting for this item will follow the Business Meeting this evening. This item will be on the Agenda for the Business Meeting on February 16, 2000 at 7:30 P.M..

The Chairman closed this Public Hearing at 7:55 P.M..

**APPROVED:**

  
Arnold Caddell, Chairman

**Attest:**

  
Jan Hancock, Recording Secretary

**Amendment to the February 2, 2000 Public Hearing Minutes**

(see correction voted on in the February 16, 2000 Business Meeting Minutes)

At the February 16, 2000 Business Meeting, the Minutes for the February 2, 2000 Public Hearing were amended as follows:

Page 4, Paragraph 4 should read "Mr. Dunn responded that it is not a monetary issue.