

Beverly Shores Park Board Meeting Minutes (draft) *CR*

June 14, 2018

1. Call to Order

- 7:00 pm
- Park Board Members Present – Michael Ganz, Frank Hardwick, Linda Kurtos, Paula Tillman
- Town Council Liaison – Donna Norkus
- Also present, Town Clerk Ellen Hundt

2. Administrative Business

- Upon motion and unanimous vote, the Board approved the 04.19.18 Meeting Minutes

3. Old Business

- Cell Tower
 - Park Board President Kurtos reported that in the 4/19/2018 meeting, the Park Board heard a presentation by Derek McGrew on behalf of LendLease with detailed site plans for the offered cell tower on Park property on Broadway, just north of Fairwater. At the last meeting, the Board had asked a number of questions that Mr. McGrew needed additional time to answer fully. The matter was tabled until further development. At this meeting, a motion was made to untable the matter to hear discussion of the outstanding questions by the Park Board and additional questions from residents who were present. Before getting to the follow-up questions, President Kurtos provided a summary of the matter for the audience:

Approximately one year ago, the Park Board was approached by a private company regarding the possibility of locating a cell phone tower on Park property. The Park Board had the town attorney talk to the company representative, Derek McGrew, to determine what the terms of an agreement might look like and whether it could be done legally. The Park Board later asked to see specific plans of the offered development. President Kurtos further emphasized that no work had been done by the Park Board on the offer other than in open and public meetings that were reflected in Park Board meeting minutes that were available on the Town website. President Kurtos also noted that the Town Council reported monthly, via a Town Council liaison at the Town Council meeting, on the Park Board activities, including the notice of discussions taking place about a possible cell tower. President Kurtos also noted that those Town Council meetings were reported in ABSR's Sand Tracks. She also noted that there was not something to report on a cell tower every month because sometimes the Park Board had to cancel its monthly meeting or there was no further activity to report at the time.

- President Kurtos then read each of the specific follow-up questions from the Board to Mr. McGrew from the previous meeting individually, allowed Mr. McGrew to answer, allowed public question/comment on each question and permitted further response. The questions from the Board and Mr. McGrew's responses are as follows:

- a. What is the coverage area of the anticipated cell service once the tower is installed? Could you please present it on a map.
 - i. Mr. McGrew provided maps of current cell coverage and expected coverage; the maps were distributed among the Board and audience. Mr. McGrew confirmed that the maps show most of the additional coverage will be on the beach at Reborna Plaza and will not extend as far as Lake Shore County Road.
- b. What are the aesthetic options for the tower? For example, some sites have a tower shaped like a pine tree. What are the aesthetic options here?
 - i. Mr. McGrew answered that his client would provide the option of building a monopine tower – which is a tower that looks like a pine tree. He also presented a picture of a similar tower located in Chesterton, but noted that a monopine in Beverly Shores will look even better than the one in Chesterton because a monopine in Beverly Shores will be within the wooded area, not out in the open like Chesterton. He also noted the Chesterton picture is during the winter with no leaves on neighboring trees. Mr. McGrew confirmed that some trees currently on the site would have to be removed, but the number and specific trees had not been identified. The remaining trees would be left undisturbed.
- c. What are the specific landscaping plans for the property?
 - i. Mr. McGrew presented a landscaping plan for the area that was distributed. He noted that the fence would be in sections that would be twenty feet tall in some areas and there will be retaining walls built on three sides to account for the slope of the parcel.
- d. What is the proposed material for the fence? May we see a color and material sample?
 - i. Mr. McGrew replied that the fence could be of any material and color we wanted and agreed that it would conform with the Town's ordinance against fully opaque fences.
- e. Can we see a color and material sample for the proposed retaining walls?
 - i. Mr. McGrew distributed a document that showed color options for the retaining wall material.
- f. Will the tower have a light on the top?
 - i. Mr. McGrew explained that it was an FAA determination after the final plans were submitted; the rule is, a tower is not lighted unless the tower is over 199' and/or with 3 miles of an existing airport, but based on his experience, it was highly unlikely due to the height and location of this site.
- g. What is the type, lumen-level, locations and operating times of lighting for the site?

i. Mr. McGrew referred to the spec sheet and noted that the light is operated on a switch, so it will not typically be lighted.

h. What is the material of the access road/drive/parking area?

i. Asphalt per the site plans.

i. Is there a generator on site and, if so, what type and what will be the testing time and frequency?

i. Yes, it would be tested on Wednesdays at 9:30AM.

The public response consisted of more comments and questions.

Public Comment:

The following is a summary of the comments and questions:

1. There is a violation of the original purpose.
2. There is safety issue according to Park Board.
3. The community has done without cell phone service and none is needed or wanted now.
4. The signal will not cover the entire beachfront.
5. The tower will ruin the aesthetics the community.
6. Land value will be diminished
7. Has Park Board already made a decision.
8. Cheaper micro cells can be installed on telephone polls that would cover a greater area.
9. Micro cells will only cover a limited area and location will be determined by utility companies who own the poles that exist and will likely cause even more obstruction to sight lines.
10. What happens when tower is no longer needed.
11. Park Board president read letters of support from lakefront residents who currently have limited or no cell phone service.
12. Residents in attendance indicated that they had no notice about this tower.
13. Rental price of tower will be \$9,000.00 per year. The Park Board would use the money to manage the park assets and make needed repairs and upgrades. The town attorney has drafted the proposed license and negotiated the rental price.
14. Residents offered to provide the lost revenue to the Park Board rather than have the cell tower in place.
15. Resident adjacent to proposed tower is opposed to its construction.

Board President Kurtos explained that no decision has been made on the proposal and Mr. McGrew was here to answer additional questions by the Park Board. She also repeated that the cell tower proposal has been publicized in the "Sand Tracks" publication and reports have been given to the town council over the past several months. There is no intent to keep these plans from the public and the Park Board minutes discussing the opportunity have always been available on the Town website. The Park Board has promised to circulate proposed Park Board agendas via the town clerk's website and notice methods.

At the conclusion of the 90-minute discussion, a motion was made by Board VP Tillman to table a final vote until a public meeting with notices to residents to allow for full public comment. The motion was seconded by board member Michael Ganz and unanimously approved by Board members.

Town Council President Norkus reminded audience that Board is comprised of volunteers and that it is important to remain civil.

At the conclusion of the cell tower matter, a large majority of the audience left the meeting and the Park Board continued its public meeting on the remaining agenda items.

- **Rebora Plaza Fence Repair**

- Board President reported that the fence at Rebora Plaza that had been damaged by fire the previous year was in the process of repair. The old fence had been removed and new posts had been erected. In the following week, the contractor would replace the rest of the fencing – including the section that was damaged in the southeast corner by vandals. Once the fence was fully repaired, the damaged electric system would be replaced. President Kurtos reported that there was electricity available for the upcoming Neck Tie Race.

- **Kayak Rack**

- President Kurtos restated her report from the previous meeting that the kayak rack that had been located at Rebora Plaza in the 2017 season had been damaged by beach erosion and theft and the Board currently had no way to allow storage of kayaks at Rebora. She noted that boat storage for permitted boats was still allowed at Derby and Shore beaches. Board Member Frank Hardwick stated that he believed construction of a new rack that could store 6-8 kayaks would cost approximately \$500-\$800 dollars. Hardwick moved that the Board seek official bids for the construction of the kayak rack, VP Tillman seconded, and upon unanimous vote, the motion was approved.

- **Wagner's rib sale**

- Board Member Michael Ganz reported that there 200 orders and 40 on site sales. The Park Board profited \$5.00 per order. The total profit was \$1200. Many thanks to all supporters. Clerk Ellen will meet with Mike Ganz to finalize the accounting of funds.

- **Tennis court repair**
 - Park Board President Kurtos restated the background of the tennis court repair opportunity for the benefit of the audience who might not have attended earlier Park Board meetings. The Park Board had been approached by a friend of the park who wanted to make a donation to repair or replace the tennis court in Lithuanica Park. Park Board President Kurtos had spent a number of months working with a professional tennis court construction company to have them view the site and provide a bid for the work. However, the company recently decided they did not want the project and declined to further bid. Kurtos will continue to look for a tennis court contractor.
- **Lithuanica Park Anniversary Celebration**
 - Park Board President Kurtos reminded the Board that this year was the 50th Anniversary of Lithuanica Park and noted that the Board had proposed having a celebration. However, due to Board member changes, planning for the celebration had been overlooked. She asked if any Board members would be willing to pick up the planning process. Board Member Michael Ganz said that he would work on the planning; Park Board President Kurtos asked if anyone else would be willing to help Mr. Ganz and resident Angela Maurello volunteered to help. The Park Board offered its thanks to Ms. Maurello.

4. New Business\Public Comment

Chris May appeared as a representative of ABSR and stated that ABSR has a history of providing a number of benefits to the Park Board. He asked if the Park Board would be willing to meet and work with ABSR to further discuss the relationship. Park Board President Kurtos thanked the ABSR for their support of the Park Board activities and stated that, speaking for herself and probably the rest of the Board, that she would be happy to meet with ABSR about their work for the Park Board. She also noted that she would be happy to put ABSR on the agenda of an upcoming meeting to present any specific request to the Park Board. She reminded Mr. May, however, that state law requires the Park Board to only act in public and at noticed meetings, so no more than two Park Board members could meet with ABSR outside of a meeting to discuss the matter to avoid an appearance of the Park Board acting in violation of State laws. Mr. May asked if ABSR could be put on the agenda for the next meeting. Park Board President Kurtos agreed to add it to the agenda.

5. Adjourn

Upon motion by Michael Ganz, second by Frank Hardwick, and unanimous vote, the meeting was adjourned.

Time: 9:07

Agreed: Carl P. Kurtos