



Minutes
City Council Work Session
February 6th, 2024
6:30pm

Baldwin Municipal Court, 155 Willingham Avenue, Baldwin, GA 30511

Mayor Stephanie Almagno, Council Member Erik Keith (via phone), Council Member Joseph Satterfield, Council Member Kerri Davis, Council Member Maarten Venter, and Council Member Alice Venter were in attendance.

Call Meeting to Order

Mayor Almagno called the meeting to order at 6:31 pm.

Public Hearing

Vertical Bridge SUP Ord. [#2024-01136Z](#) and Variance Ord. [#2024-01137Z](#)

Prior to the public hearing, Mattaniah Jahn, representing Vertical Bridge, gave a presentation to Council regarding the proposed request (attached).

Council Member Joseph Satterfield asked Jahn if the technology were to become obsolete and the tower no longer necessary, would the tower be removed. Jahn stated that the tower would be removed as required by Vertical Bridge's lease. Another possible option would be a tower removal bond, which would provide Baldwin with the money to remove the tower should Vertical Bridge cease to exist for some reason.

Mayor Almagno opened the public hearing at 6:46 pm.

In Favor: None.

In Opposition:

Mike Tope (of 216 Heindel Street, Baldwin) stated dissatisfaction with the lack of knowledge in the community of the request being considered. Tope also stated that his home is approximately 298 feet from where the cell tower is proposed to be. Tope's primary concern is his family and the health risks of living so close to the tower, quoting studies that recommend a 1,640-foot buffer from a cell tower due to reported health effects, including increased cancer risks, sleep issues, memory deficits, and impact to the nervous system. Tope also brought forth that Baldwin Elementary School is located approximately 984 feet from the proposed tower location, and the health risks will affect students and teachers from continuous exposure. Tope requested that future public hearing signs be free-standing and in brighter colors so that they are more noticeable.

Ralph Taylor (of Hunt and Taylor Law Group of 1001 Riverside Drive, Suite A, Gainesville) voiced concerns on behalf of Habersham County and the Habersham County Airport Commission, stating that the tower presents a danger to operations of the airport. Taylor submitted to Council an airspace diagram (attached) showing the proposed tower in relation to the airport. The height of the tower creates a 300-foot obstruction in the flight path for landings and departures. Taylor brought forth Section 709 of Baldwin's zoning ordinance for an Airport Overlay District, drawing attention to the language regarding

variances in relation to public safety and that the Airport Commission was not consulted by the applicant during the petition process, or the FAA study conducted on obstructions and hazards.

Andrea Harper (of 501 Willingham Avenue, Baldwin) stated that she took part in the creation of Baldwin's comprehensive plan and that granting this request would go against it and the Airport Overlay District. Harper asked that Council vote against the tower (at any height) and the variance.

D Higgins (of 300 Grandview Circle, Cornelia), Vice Chairman of the Habersham County Airport Commission, stating the commission's strong opposition to the cell tower. Higgins said that while the tower may not be a navigational hazard, it is close enough to the airport runway to be an obstacle to pilots needing to make an emergency landing.

Douglas W. McDonald (of PO Box 396, Cornelia) addressed Council expressing concern for the safety of his rental tenants who are near the proposed tower location. McDonald stated that the FAA's Determination of No Hazard letter submitted by Vertical Bridge is inaccurate, as the report does not account for factors like inclement weather, equipment failures, or human error. McDonald shared his decades of piloting experience out of Habersham County Airport and said with the increasing frequency of training and flights at the airport, the tower creates unsafe circumstances for pilots and those on the ground. McDonald closed his remarks by stating that the City of Baldwin has nothing to gain by granting this variance.

Jahn addressed McDonald's remarks, stating that if Council desired more information that she could bring an FAA Airspace Consultant to a future meeting.

Mayor Almagno invited any others present to speak in favor or in opposition of the proposed cell tower. No one came forward.

Mayor Almagno closed the public hearing at 7:13 pm.

Old Business

New Business

- ~~1. Fire Department Fiber Agreement~~
- ~~2. Work Session Date Resolution #2024-02138R~~

1. Statewide Mutual Aid Agreement for Banks and Habersham Counties

CAO Emily Woodmaster presented the Statewide Mutual Aid and Assistance Agreements for both Banks and Habersham County. These agreements are signed between the City and each county separately, allowing the City of Baldwin to utilize shared resources in the event of a disaster or a declared state of emergency. These agreements allow the City of Baldwin to enter another jurisdiction (city or county) and to assist that entity with repairs, needs, etc. with Baldwin resources. Woodmaster stated that there is language in the agreement that it is not mandatory to provide the service to a neighboring community if it will cause harm to your city or if your city has need of those resources. The

agreement also gives three individuals per municipality (Mayor, Mayor Pro Tem, and City Administrator) the ability to authorize the assistance. Woodmaster also stated that the Georgia WARN Agreement, signed by Council in years prior, would also allow Baldwin to assist other counties in the event of a disaster and then bill the entity for those resources once they've been utilized and the emergency is over. Woodmaster said that she would send the Georgia WARN Agreement to Council.


Council had no questions and was in consensus to bring the agreements for Banks and Habersham County forward for vote at the next council meeting.

Announcement

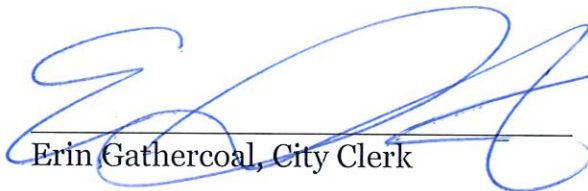
- a. The deadline for city property tax payments has been extended to February 16th. Payments can be made at City Hall or online at www.baldwinpayments.com.
- b. City Offices will be closed on Monday, February 19th, in observance of Presidents' Day.
- c. Homestead exemption affidavits for 2024 property taxes are due April 1st. Please stop by City Hall with your driver's license or other government-issued ID to complete the affidavit.

Adjournment

Action: A motion was made by Maarten Venter with a second by Erik Keith. Motion Carried 5-0 at 7:20 pm.


Stephanie Almagno, Mayor

2/12/2024
Date Approved by Council


Erin Gathercoal, City Clerk



**Vertical Bridge Public Hearing
Documents/Submissions**

February 6th, 2024

US-GA-5322 WILLINGHAM 250' AGL LATTICE TOWER

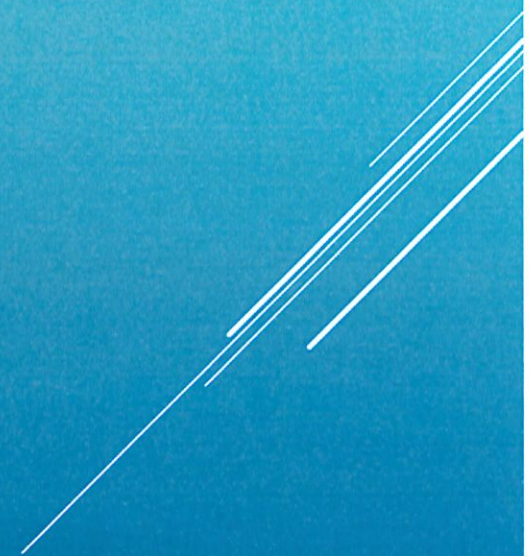
Vertical Bridge, LLC

Parcel ID#: 093 010c

City Council First Reading – 01/29/24

PROJECT POSTURE

Mattaniah S. Jahn



- ▶ Project originally started in the 441 Scenic Overlay Corridor
 - ▶ Site Acquisition Agent informed that the tower would not be able to be constructed over 35
- ▶ Then moved to a city owned parcel (091C001)
 - ▶ Site Acquisition Agent informed that the tower would not be possible on that parcel
- ▶ Per email exchange with site acquisition agent, no zoning review required.
- ▶ Vertical Bridge prepared all due diligence for site before to file for building permit
- ▶ Informed by City that it would need to go through zoning

From: ewoodmaster@cityofbaldwin.org <ewoodmaster@cityofbaldwin.org>

Sent: Wednesday, March 30, 2022 11:45 AM

Subject: RE: Cell Tower- CITY PROPERTY LEASING

Good Morning

It was a pleasure speaking with you this morning. Per our conversation, we do not presently have a cell tower ordinance. However, we do have some height restrictions in certain areas.

I have included our zoning map for reference.

Should you have any additional questions or concerns, please feel free to reach out to me.

Thanks,

<image001.png>

Emily Woodmaster

City Clerk, CAO

City of Baldwin, GA

P.O.Box 247, Baldwin, GA 30511

Office: 706.778.6341 ext.107

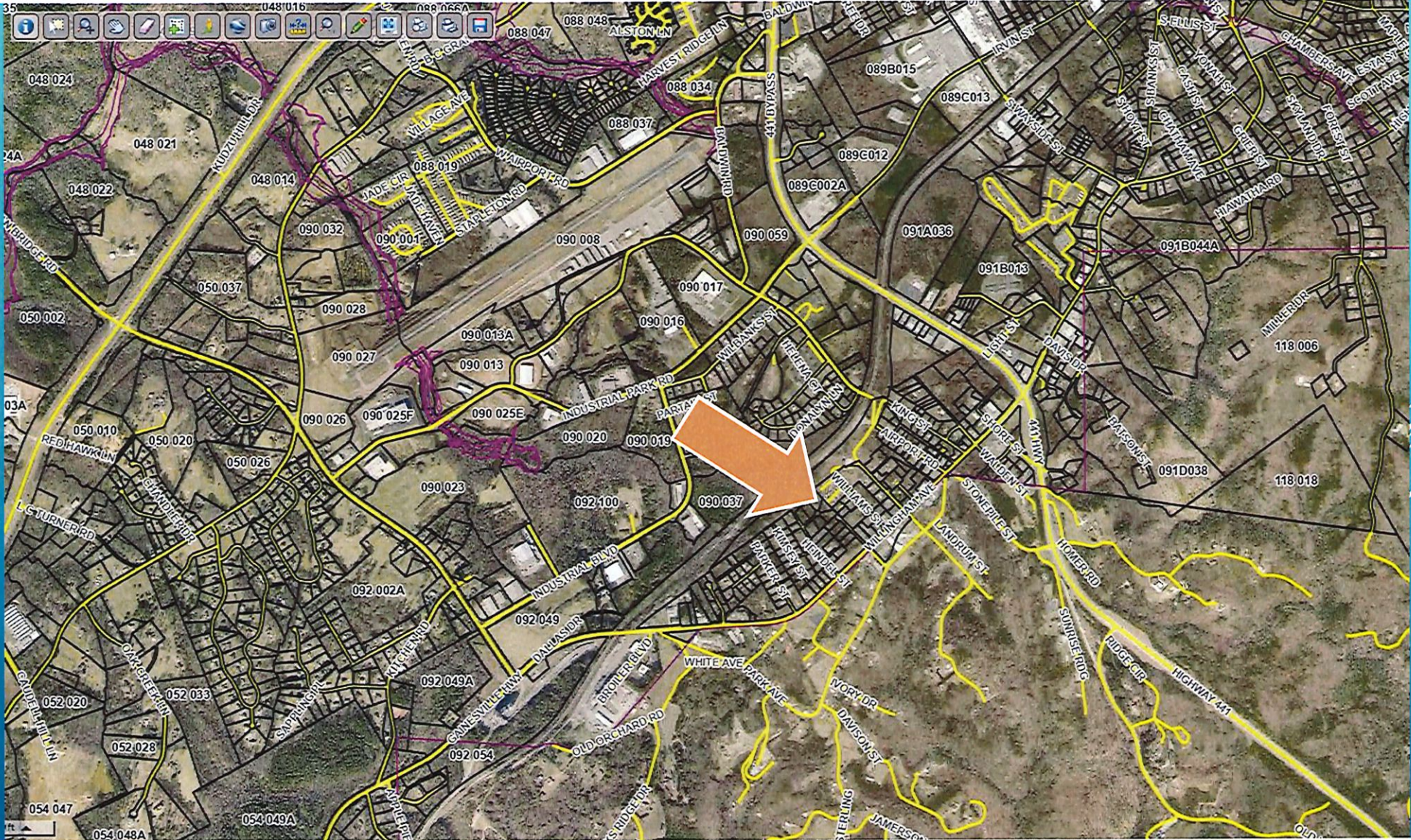
Work Cell: 470.208.9842

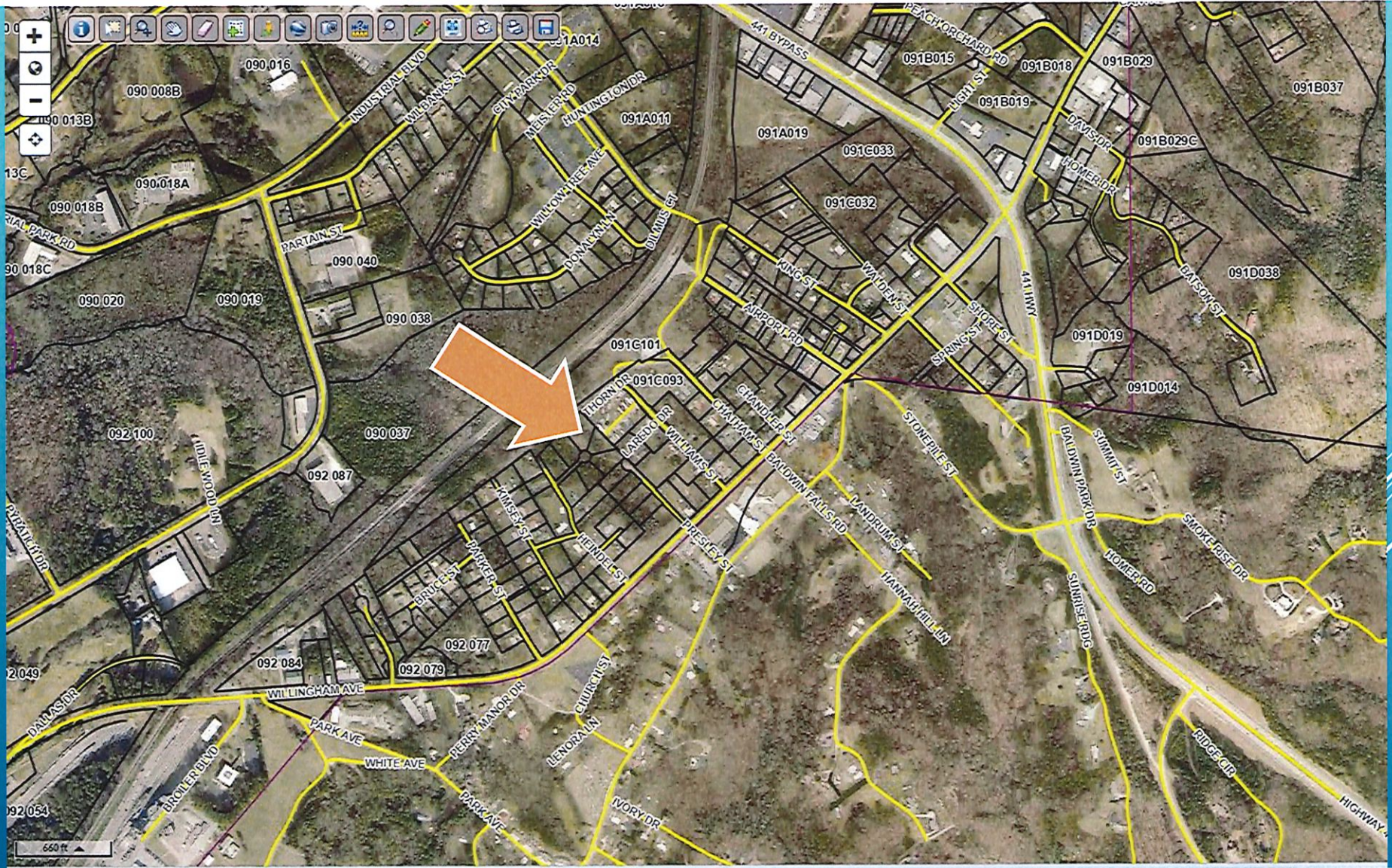
Fax: 706.778.7970

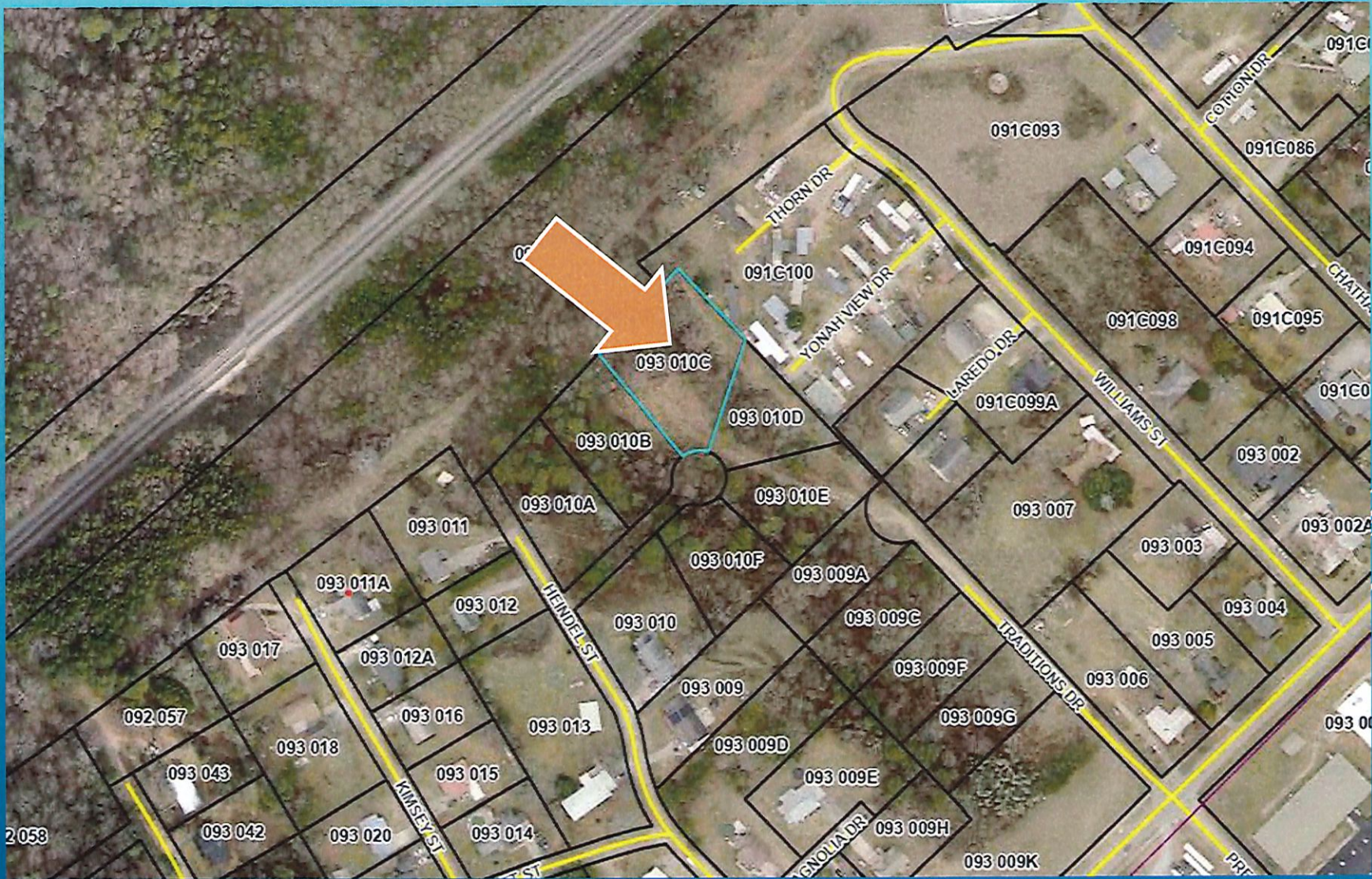
BASE PROJECT INFORMATION

Mattaniah S. Jahn





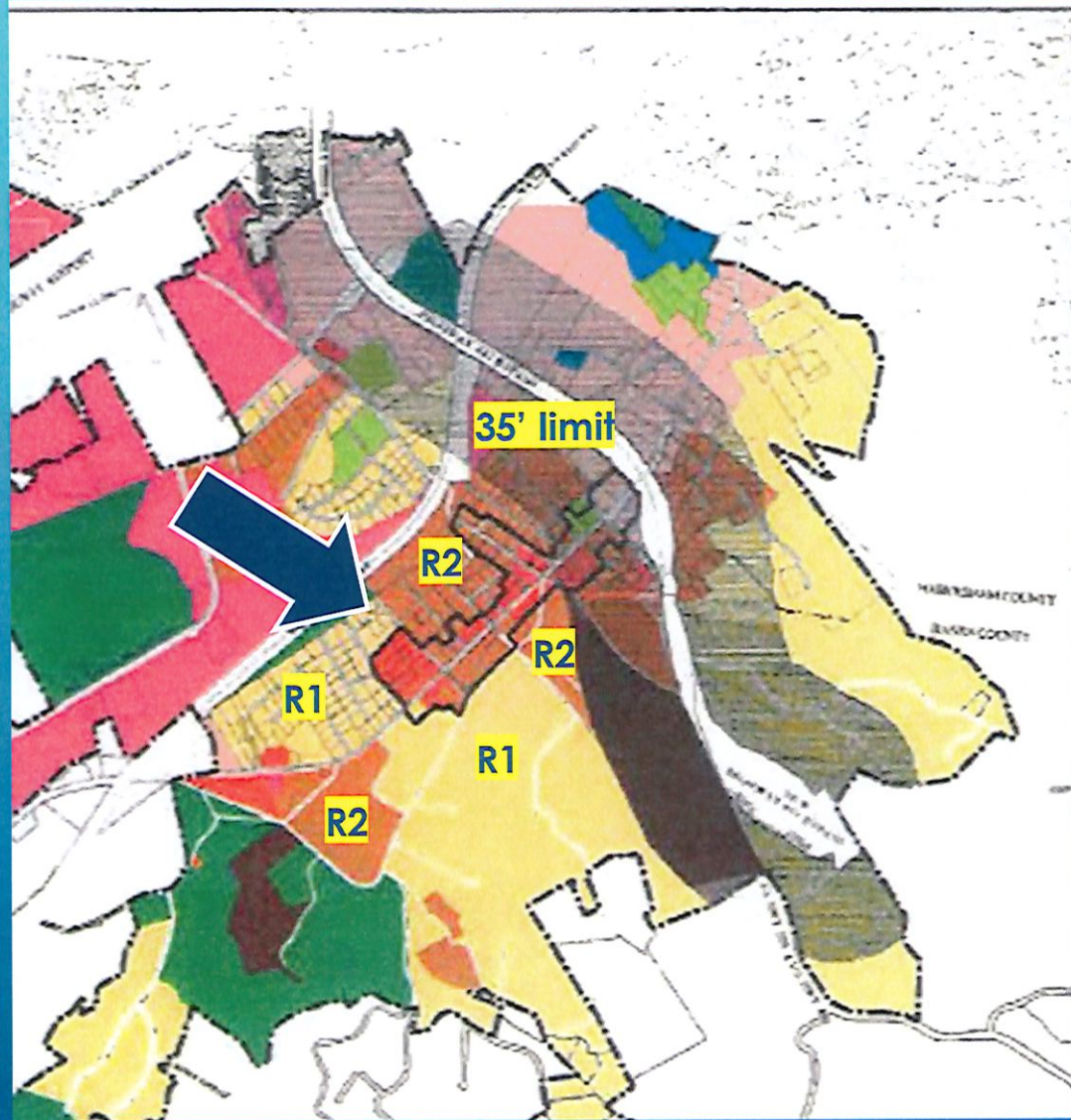




OFFICIAL ZONING MAP
FOR THE
CITY OF BALDWIN,
GEORGIA
OCTOBER 2016

LEGEND

- A - Agricultural Residential District
- R-1 - Residential Single Family District
- R-2 - Residential Single Family District
- R-3 - Residential Multi-Family District
- MHD - Manufactured Home Development District
- PRD - Planned Development District
- NC - Neighborhood Commercial District
- HB - Highway Business District
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- Downtowns Redevelopment Overlay District
- Somic Corridor Overlay District
- S-1 - Sensitive Land Watershed Protection Overlay District
- County Line



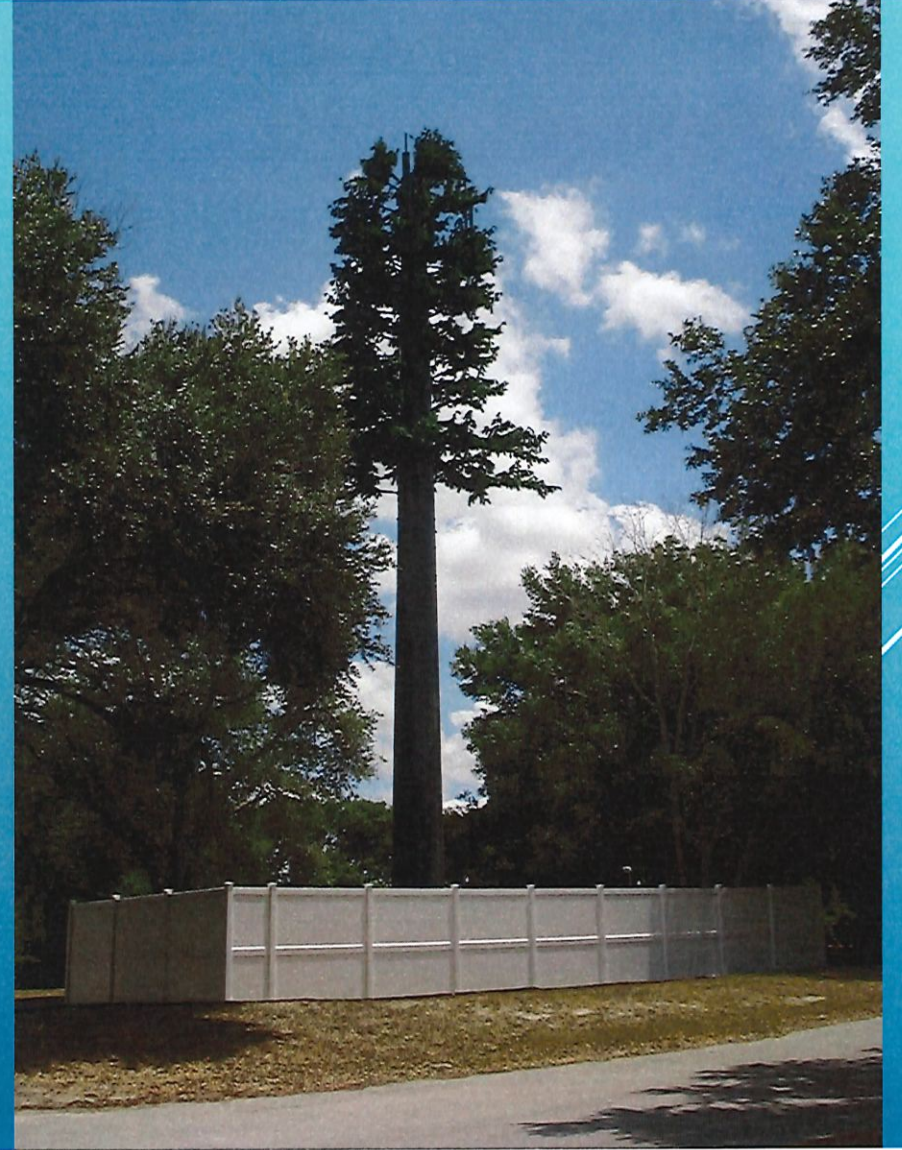
**R-1 Single
Family District**

TOWER DESIGN

Mattaniah S. Jahn









STEALTH
DO UNNOTICED®

800.755.0689 stealthconcealment.com

Orlando School - A1
AT 16-00930W-05

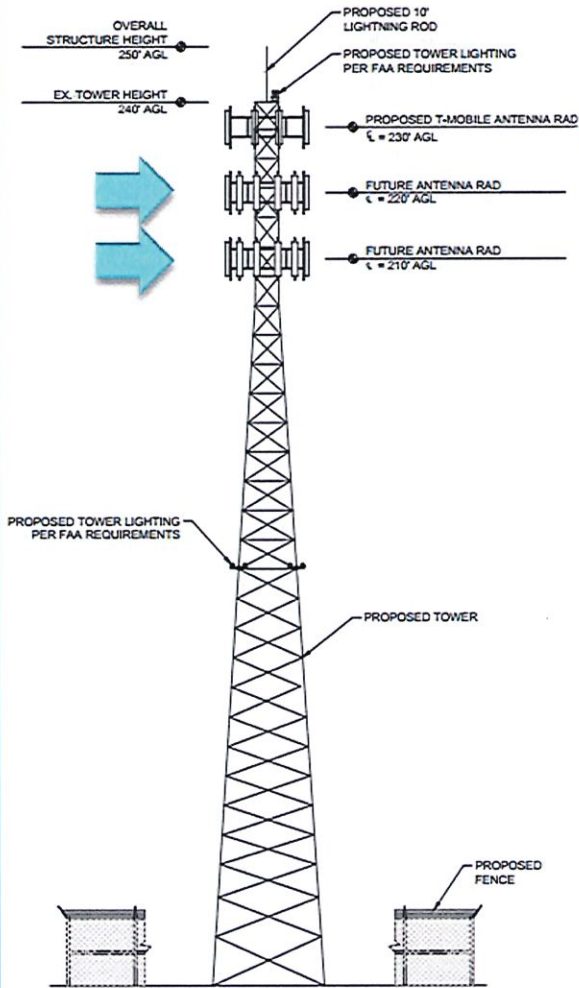
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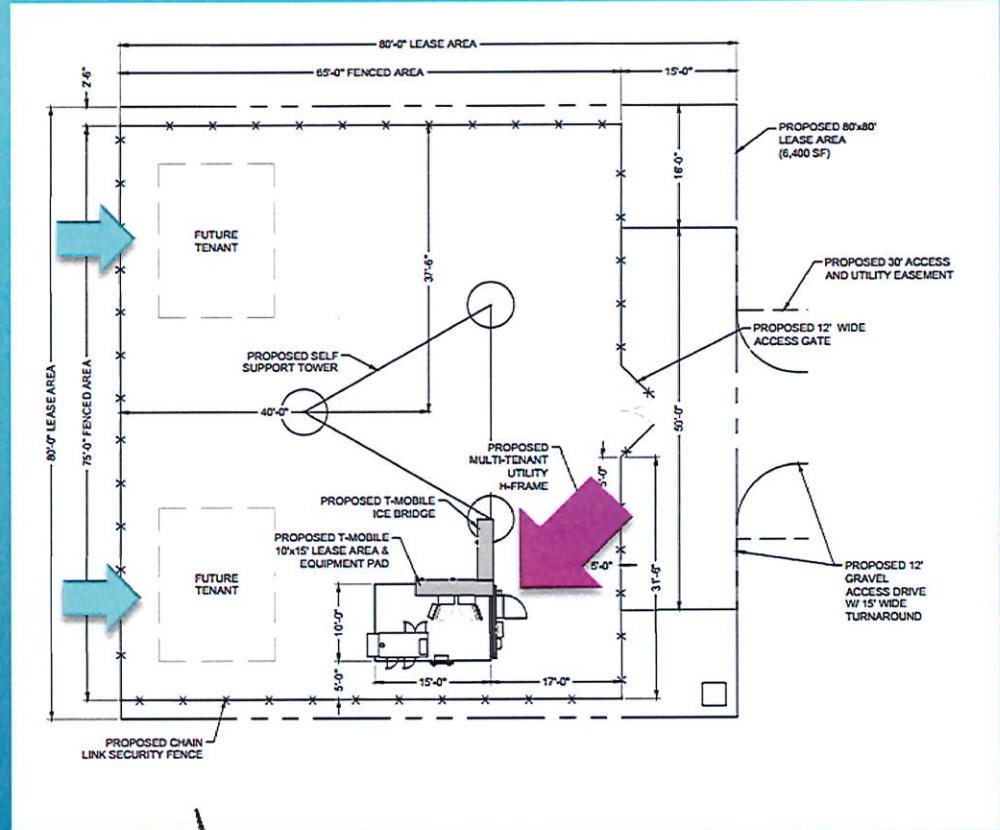


Google Earth

© 2022, Google



1 TOWER ELEVATION
SCALE: NOT TO SCALE



DESIGNED TO BE COLLOCATED
(SHARED)



Sweat Mountain



COLOCATION (TOWER SHARING) AVOIDS THIS



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-ASO-33732-OE

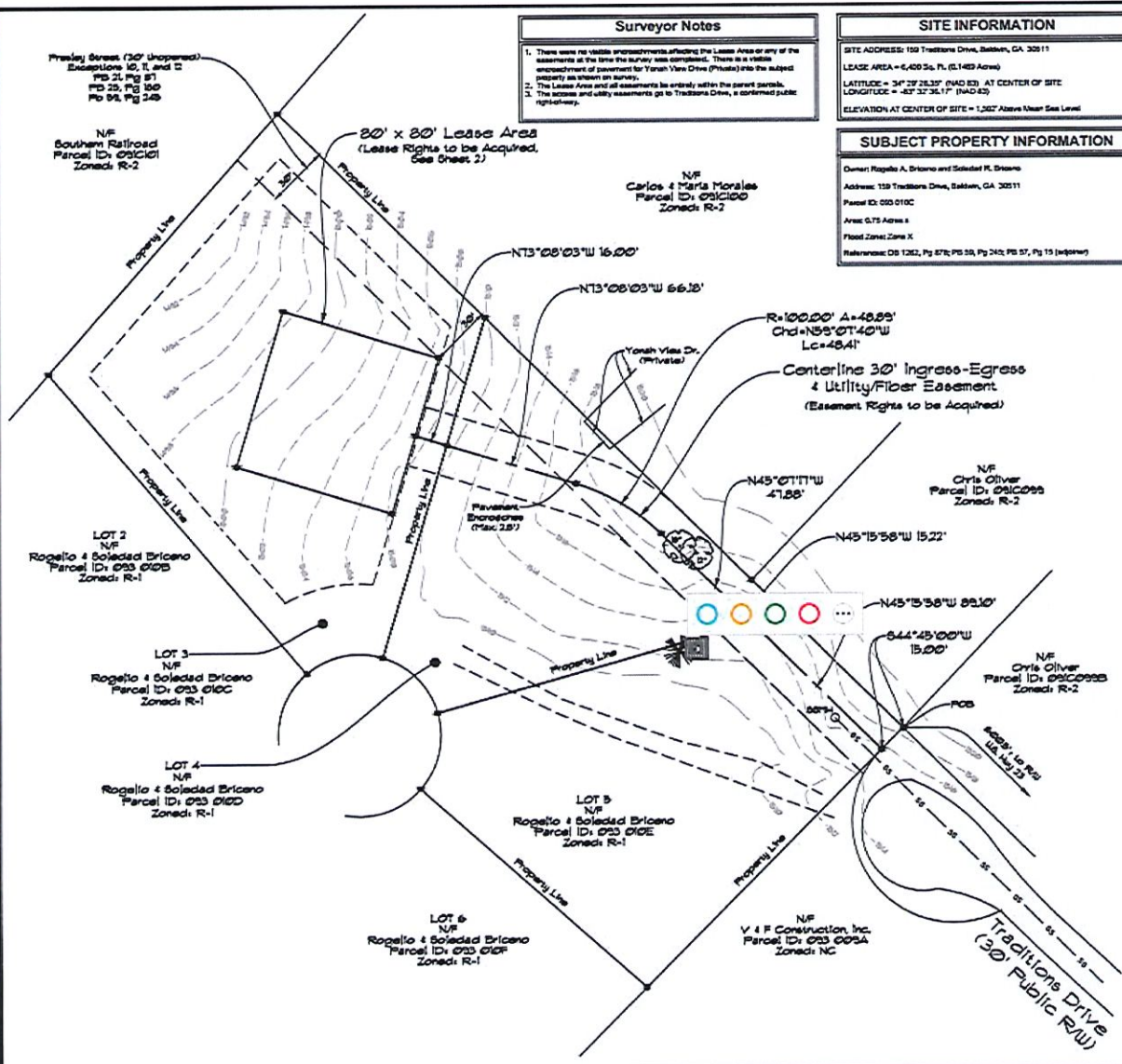
Issued Date: 09/12/2023

Richard Hickey
VB BTS II, LLC
750 Park of Commerce Dr, Suite 200
Boca Raton, FL 33487

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower US-GA-5322 Willingham
Location:	Baldwin, GA
Latitude:	34-29-26.50N NAD 83
Longitude:	83-32-36.12W
Heights:	1502 feet site elevation (SE) 250 feet above ground level (AGL) 1752 feet above mean sea level (AMSL)



Surveyor Notes

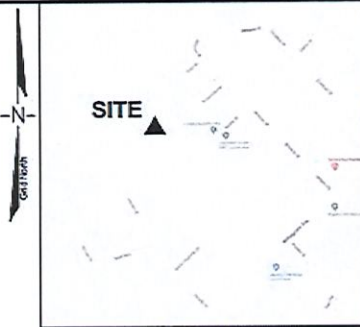
1. There were no visible encroachments affecting the Lease Area or any of the easements at the time the survey was completed. There is a visible encroachment of pavement for Yanah Vito Drive (Private) into the subject property as shown on survey.
2. The Lease Area and all easements lie entirely within the parent parcel.
3. The access and utility easements go to Traditions Drive, a confirmed public right-of-way.

SITE INFORMATION

SITE ADDRESS: 150 Traditions Drive, Baldwin, GA 30211
 LEASE AREA = 6,400 Sq. Ft. (0.148 Acres)
 LATITUDE = 34° 29' 28.33" (NAD 83) AT CENTER OF SITE
 LONGITUDE = -83° 37' 35.17" (NAD 83)
 ELEVATION AT CENTER OF SITE = 1.262' Above Mean Sea Level

SUBJECT PROPERTY INFORMATION

Owner: Rogelio A. Ebricano and Soledad R. Ebricano
 Address: 150 Traditions Drive, Baldwin, GA 30211
 Parcel ID: 093 010C
 Area: 0.75 Acres ±
 Flood Zone: Zone X
 References: DB 1262, Pg 67; PB 55, Pg 24; PB 57, Pg 15 (adjacent)



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

This survey was prepared for the exclusive use of Vertical Bridge and exclusively for the transfer of the right of easements shown hereon and shall not be used as an exhibit or evidence in the transfer of the subject property nor any portion or portions thereof.

The outer boundary of the subject property as shown hereon was established using a combination of deeds of record, data of record, and aerial field work. However, a complete boundary survey was not performed for this drawing.

Equipment Used:
 Angular & Linear: Topcon GTS-225

The field data upon which this survey is based was collected from multiple control points and was not adjusted.

This survey has been calculated for closure and is found to be accurate to within one foot in 100,000 feet.

The 2' contours shown on this plan are based on U.S.G.S. contours and have a vertical accuracy of a 1:2'. Contours outside the immediate site area are approximate.

The Lease Area and Ingress-Egress & Utility/Fiber Easement are not located in a special flood area as per F.L.S.U. Community Parcel No. 13137C021D dated 01/05/2018. (Zone X)

The utilities shown hereon are based upon an above-ground field survey. The actual utility locations should be field verified before any construction begins.

Title Exceptions, See Sheet 3

I hereby certify that Vertical Bridge REIT, LLC, a Delaware limited liability company, its subsidiaries, and their respective subsidiaries under contract and 80 Tamara Corbett (Trust) LLC, as Administrative Agent, for itself and on behalf of the lenders parties from time to time to that certain Second Amended and Restated Loan Agreement dated June 17, 2016 with Vertical Bridge Helios, LLC, as borrower, and Vertical Bridge Helios Parent, LLC, as parent, as may be amended, modified or renewed, their successors and assigns as their interests may appear; and Auro Solutions, LLC dba 7 Tower Title & Closing

LEGEND

- PCP POINT OF BEGINNING
- ROR R.O.W. AND CONCRETE MONUMENT FOUND
- UDN UNDEVELOPED
- SMH SANITARY SEWER MANHOLE
- EMR ERECTOR'S MARK
- FW FIRE HYDRANT
- SIW SINGLE WING CATCH BASIN
- DBW DOUBLE WING CATCH BASIN
- STW STEEL TANK
- WATER METER
- W/MH WATER METER IN-HOUSING
- SA VALVE
- NOV NOVEL FORMERLY MONITORING WELL

Scale: 1" = 50'

Sheet Size: 11" x 17"



DATE	REVISION DESCRIPTION
08/28/2022	ADDED SURVEY DATA
11/03/2022	INSTRUMENT DATE OF SHEET 1

civil survey
 civilsurvey, Inc.
 116 Madrox Road
 Griffin, Georgia, 30224
 404.925.8774

vertical bridge
 VB BRIS ILLIC
 750 Park of Commerce Drive, Suite 200
 Boca Raton, Florida 33467

Survey for: Easement Survey for

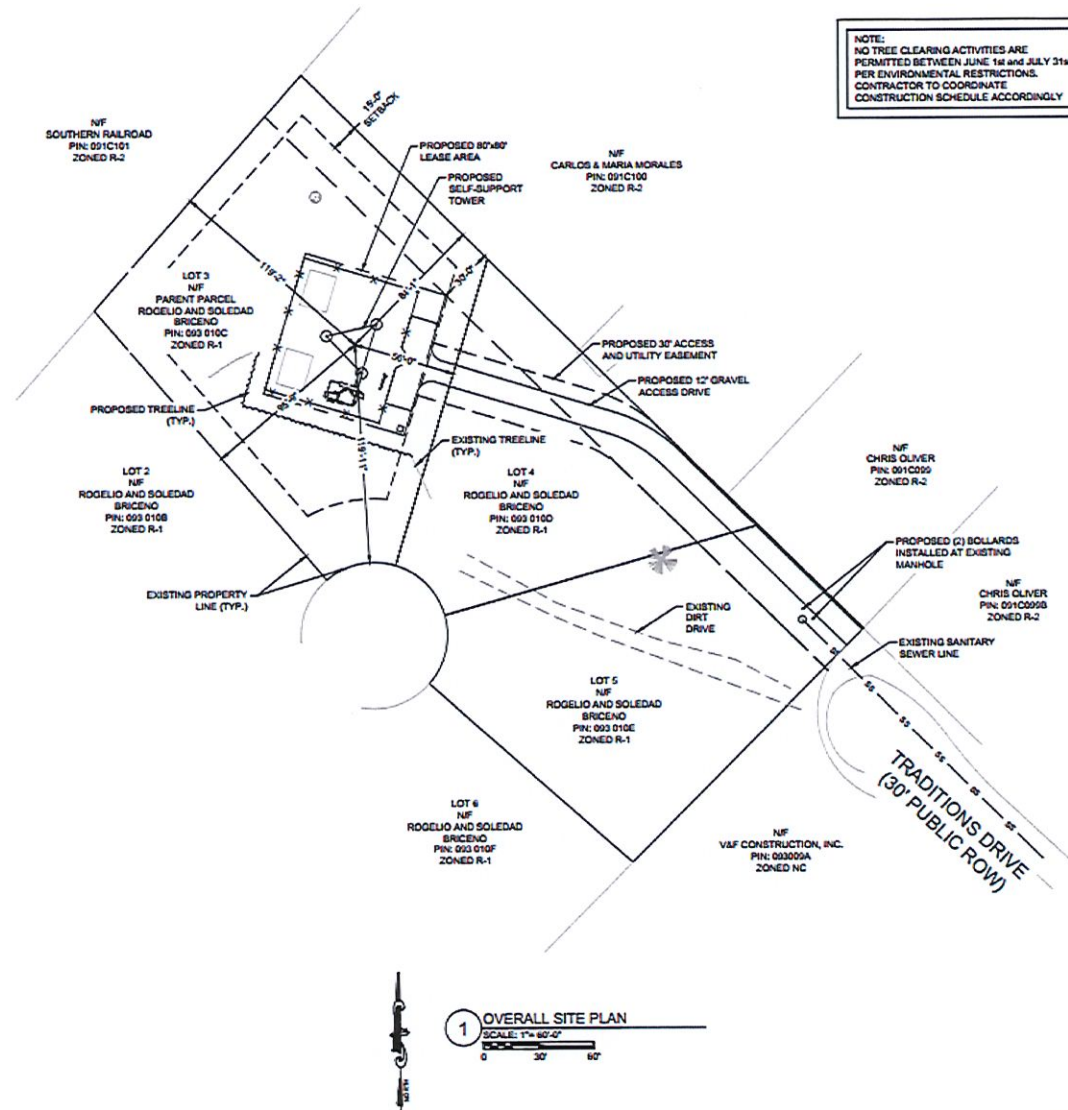
Date: 28 August 2022
 Land Lot: 185
 Land District: 10th
 Land Section: N/A
 City: Baldwin
 County: Habersham
 State: Georgia
 cal Project Number: 2022.181

"Willingham"
 US-GA-5322
 1 of 3

GENERAL CONSTRUCTION NOTES:

1. SEE SURVEY FOR LEASE AREA BOUNDARY, LEGAL DESCRIPTION, EXISTING CONTOURS, AND ADDITIONAL SITE INFORMATION.
2. DAMAGE TO ALL UTILITIES, LAND, ACCESS AREAS, AND PROPERTY OF OTHERS DISTURBED DURING CONSTRUCTION SHALL BE RETURNED TO THE ORIGINAL CONDITION AT THE COMPLETION OF THE WORK.
3. REMOVE ANY EXISTING VEGETATION AND ORGANIC MATERIALS FROM THE TOWER COMPOUND.
4. RE-GRADE AROUND THE EQUIPMENT SLAB AS REQUIRED TO ALLOW A MAXIMUM 4" OF PAD THICKNESS EXTENDING ABOVE THE FINISHED GRAVEL SURFACE. REPLACE GRAVEL AROUND SLAB AT COMPLETION OF INSTALLATION.
5. ALL WORK SHALL BE DONE IN A SATISFACTORY AND PROFESSIONAL WORKMANLIKE MANNER. ALL WORK SHALL BE SUBJECT TO INSPECTION DURING CONSTRUCTION AND FINAL APPROVAL BY THE CONSTRUCTION MANAGER.
6. ANY SUBSTITUTIONS OF MATERIALS, EQUIPMENT, OR DEVIATIONS FROM THE DESIGN PLANS OR SPECIFICATIONS SHALL BE COORDINATED AND APPROVED BY THE CONSTRUCTION MANAGER.
7. COLOR SELECTION FOR PAINTED ITEMS SHALL BE MADE BY THE CONSTRUCTION MANAGER.
8. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS SHOWN PRIOR TO BID SUBMITTAL. ANY CONFLICTS, DISCREPANCIES, ERRORS, AND/OR QUESTIONS SHALL BE BROUGHT TO THE ATTENTION OF THE CONSTRUCTION MANAGER.
9. CONTRACTOR SHALL CONTACT A SUBSURFACE UTILITIES LOCATOR FOR EXACT LOCATIONS OF ALL EXISTING UTILITIES WITHIN DISTURBED AREAS, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL VERIFY THE LOCATIONS OF EXISTING UTILITIES BY DIGGING A TEST PIT, AS NECESSARY. THE LOCATIONS OF EXISTING UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE AND ARE FOR PLANNING PURPOSES ONLY.
10. THE CONTRACTOR SHALL PROVIDE ANY NECESSARY PROTECTION FOR EXISTING UTILITIES DURING CONSTRUCTION.
11. THE CONTRACTOR SHALL MAINTAIN A CLEAN SET OF CONSTRUCTION DRAWINGS AT THE SITE FOR THE PURPOSE OF DOCUMENTING "AS-BUILT" CONDITIONS AND DEVIATIONS FROM THE ORIGINAL DESIGN. THE REDLINED DRAWINGS SHALL BE TURNED OVER TO THE CONSTRUCTION MANAGER AT THE COMPLETION OF THE PROJECT.
12. THE CONTRACTOR SHALL SECURE AND PAY FOR ALL NECESSARY PERMITS FOR THIS PROJECT FROM ALL APPLICABLE GOVERNMENT AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR ABIDING BY ALL THE CONDITIONS AND REQUIREMENTS OF THE PERMITS.
13. THE CONTRACTOR SHALL PROTECT ALL SURVEY STATIONS AND CONTROL POINTS DURING CONSTRUCTION AND SHALL RE-ESTABLISH ANY DISTURBED CONTROL POINTS.
14. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE GOVERNING LOCAL BUILDING CODE AND ALL APPLICABLE AMENDMENTS. THE CONTRACTOR SHALL COORDINATE WITH THE LOCAL GOVERNING OFFICIAL FOR LOCAL BUILD CODE REQUIREMENTS.
15. THE CONTRACTOR SHALL VISIT THE PROJECT SITE AND FAMILIARIZE HIMSELF WITH ALL EXISTING CONDITIONS INCLUDING SITE ACCESS PRIOR TO BID SUBMITTAL. ANY CHANGES DURING CONSTRUCTION DUE TO AN EXISTING CONDITION WHICH IS VISUALLY ASCERTAINABLE PRIOR TO BID SUBMITTAL, CANNOT BE USED AS THE BASIS FOR A CHANGE ORDER.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL WASTE DEBRIS AND VEGETATION FROM THE SITE. BURIAL AND/OR BURNING OF WASTE MATERIALS IS NOT ACCEPTABLE.

THE CONTRACTOR SHALL VISIT THE SITE BEFORE BIDDING ON THE WORK CONTAINED WITHIN THIS DESIGN PACKAGE. DISCREPANCIES AND OMISSIONS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO BIDDING.



NOTE:
NO TREE CLEARING ACTIVITIES ARE PERMITTED BETWEEN JUNE 1st and JULY 31st PER ENVIRONMENTAL RESTRICTIONS. CONTRACTOR TO COORDINATE CONSTRUCTION SCHEDULE ACCORDINGLY



DESIGN REVISION:	

ISSUED FOR CONSTRUCTION	DATE	BY

SITE ID: WILLINGHAM US-GA-5322

PROJECT ADDRESS: 159 TRADITIONS DR BALDWIN, GA 30511

TAGLINE ID: 9AT3718A

PREPARED BY: TMC
DRAWN BY: TMC
CHECKED BY: JRC

SHEET NAME: OVERALL SITE PLAN

SHEET NUMBER: C-1

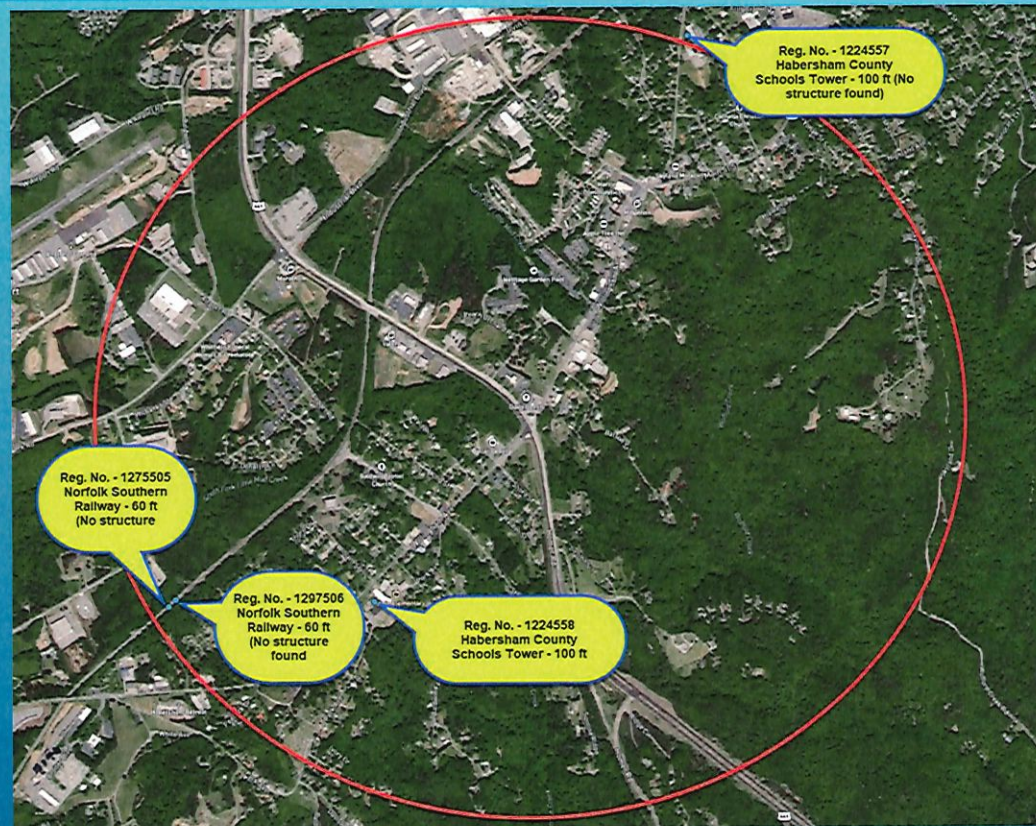
T-MOBILE RF JUSTIFICATION PACKAGE

Mattaniah S. Jahn

T-Mobile 9AT3718A

9AT3718A – 159 Traditions Drive
Baldwin, GA 30511
(Latitude = 34.490618, Longitude = -83.543503)

Search Ring Map with Existing Structures



Primary design objective is to provide improved in-building commercial and residential coverage for customers in Baldwin, GA and in-vehicle coverage along US Hwy 441 and Willingham Avenue.

T-Mobile 9AT3718A

9AT3718A – 159 Traditions Drive
 Baldwin, GA 30511
 (Latitude = 34.490618, Longitude = -83.543503)

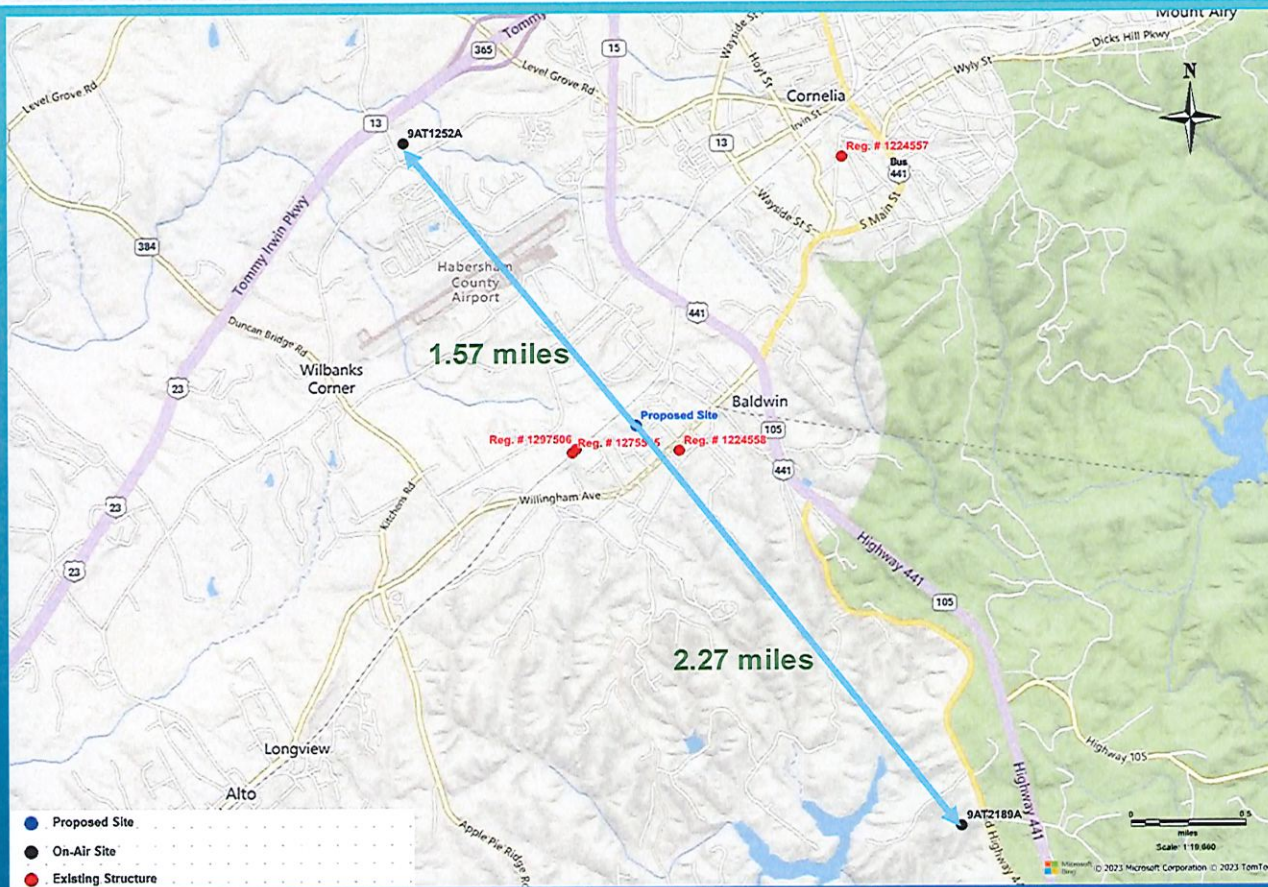
Surrounding T-Mobile Facilities

Site Code	Site Status	Site Type	Site Class	Site Latitude	Site Longitude	Address	City	State	Zip	County	RAD Center (AGL in ft)	Structure Landlord Name
9AT1252 A	ON-AIR	Structure Non Building	Self Support Tower	34.508469	-83.561172	3719 B.C. Grant Road	Cornelia	GA	30531	Habersham	250	Crown Castle
9AT2189 A	ON-AIR	Structure Non Building	Self Support Tower	34.465316	-83.518746	6017 Hwy 441 N (E911)	Baldwin	GA	30511	Banks	265	Crown Castle
9AT4243 A	ON-AIR	Structure Non Building	Monopole	34.528469	-83.522782	112 Camp Creek Industrial Pkwy (911)	Cornelia	GA	30531	Habersham	195	SBA

T-Mobile 9AT3718A

9AT3718A – 159 Traditions Drive
Baldwin, GA 30511
(Latitude = 34.490618, Longitude = -83.543503)

Site Location



This map shows the distance of the 2 closest sites in the area.

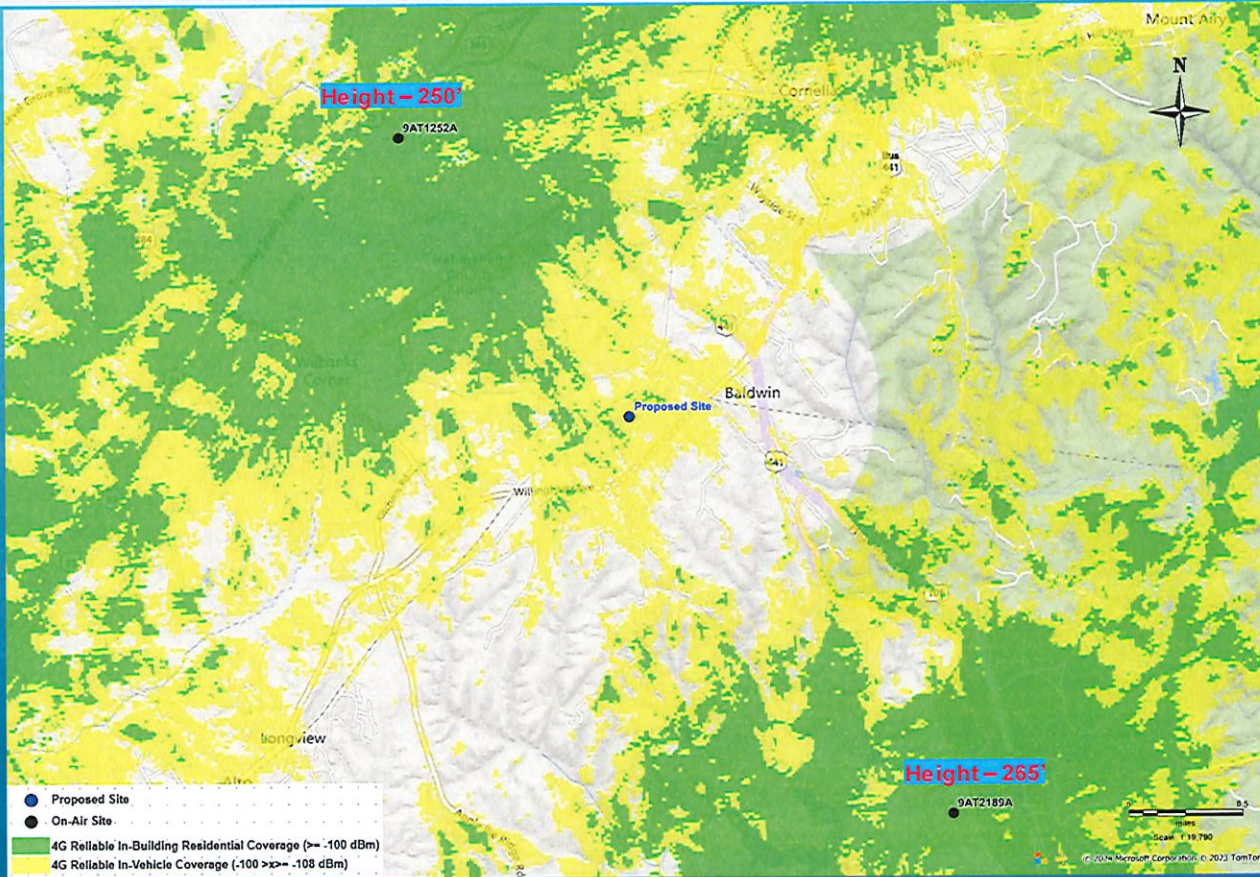
T-MOBILE RF HEIGHT COMPARISON SLIDES

Mattaniah S. Jahn

T-Mobile 9AT3718A

9AT3718A – 159 Traditions Drive
Baldwin, GA 30511
(Latitude = 34.490618, Longitude = -83.543503)

4G Voice Service without the Proposed Site MID BAND (2100 MHZ) LTE COVERAGE MAP (RSRP)

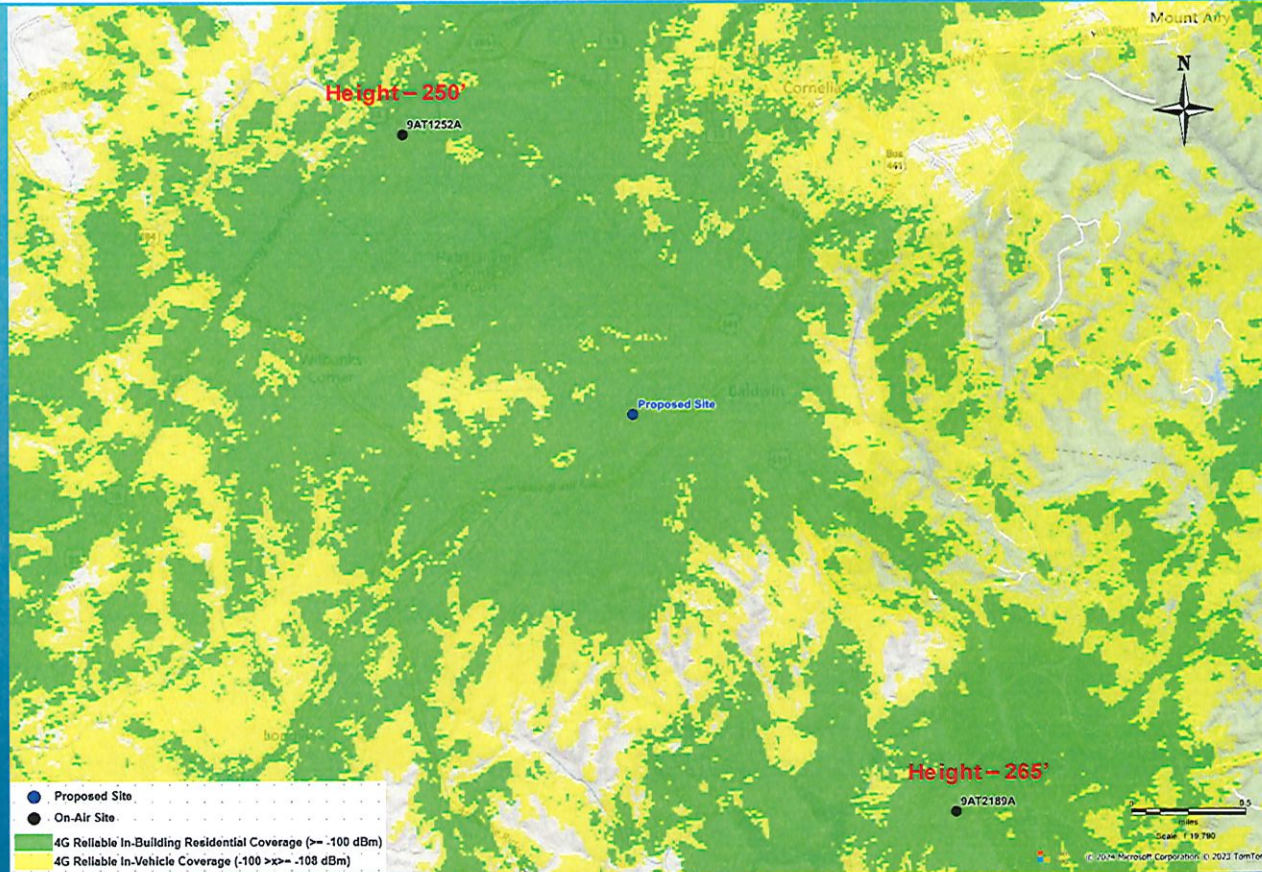


This plot shows a large gap in in-building and in-vehicle coverage

T-Mobile 9AT3718A

9AT3718A – 159 Traditions Drive
Baldwin, GA 30511
(Latitude = 34.490618, Longitude = -83.543503)

**4G Voice Service with the Proposed Site @ 250' AGL
MID BAND (2100 MHZ) LTE COVERAGE MAP (RSRP)**

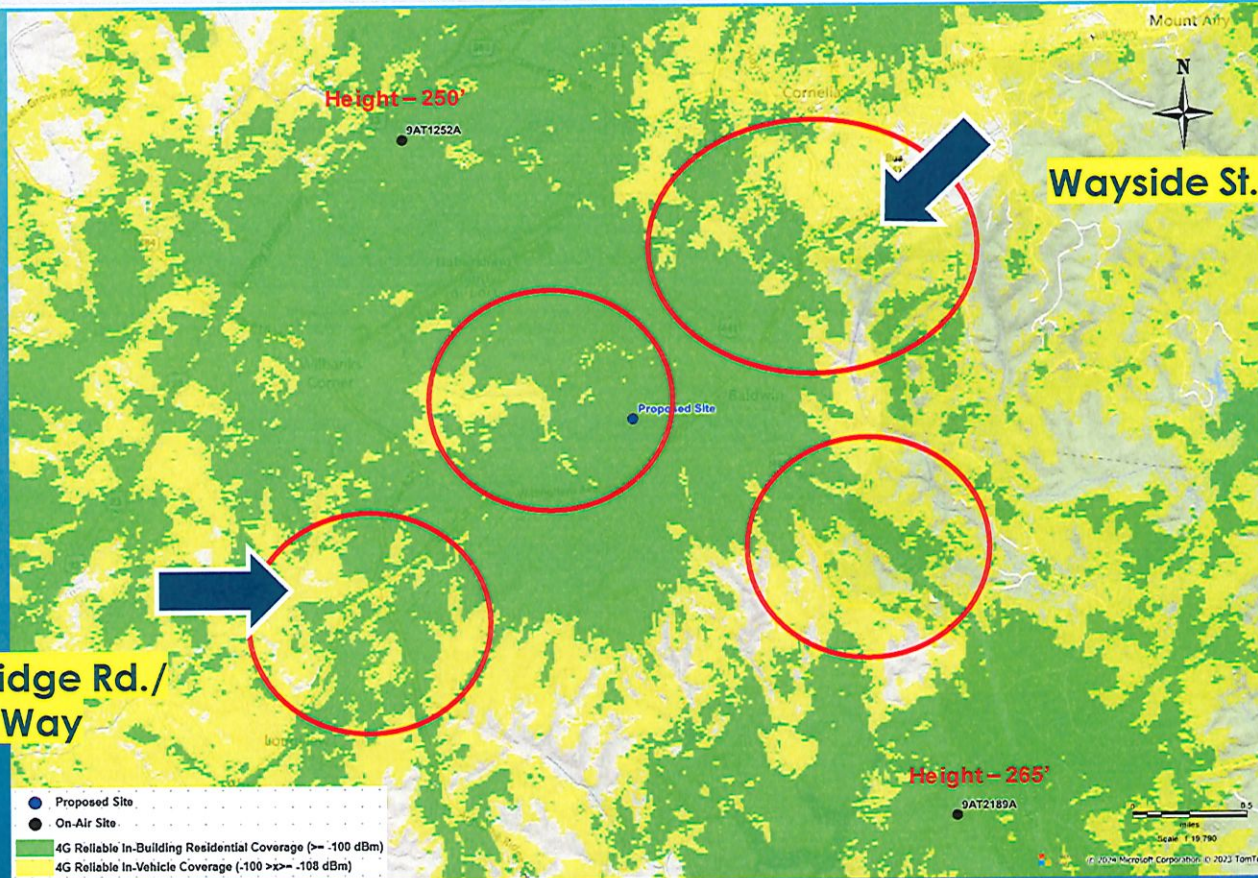


This plot shows improved in-building and in-vehicle coverage along US Hwy441 & Willingham Avenue and surrounding areas.

T-Mobile 9AT3718A

9AT3718A – 159 Traditions Drive
Baldwin, GA 30511
(Latitude = 34.490618, Longitude = -83.543503)

4G Voice Service with the Proposed Site @ 210' AGL
MID BAND (2100 MHZ) LTE COVERAGE MAP (RSRP)

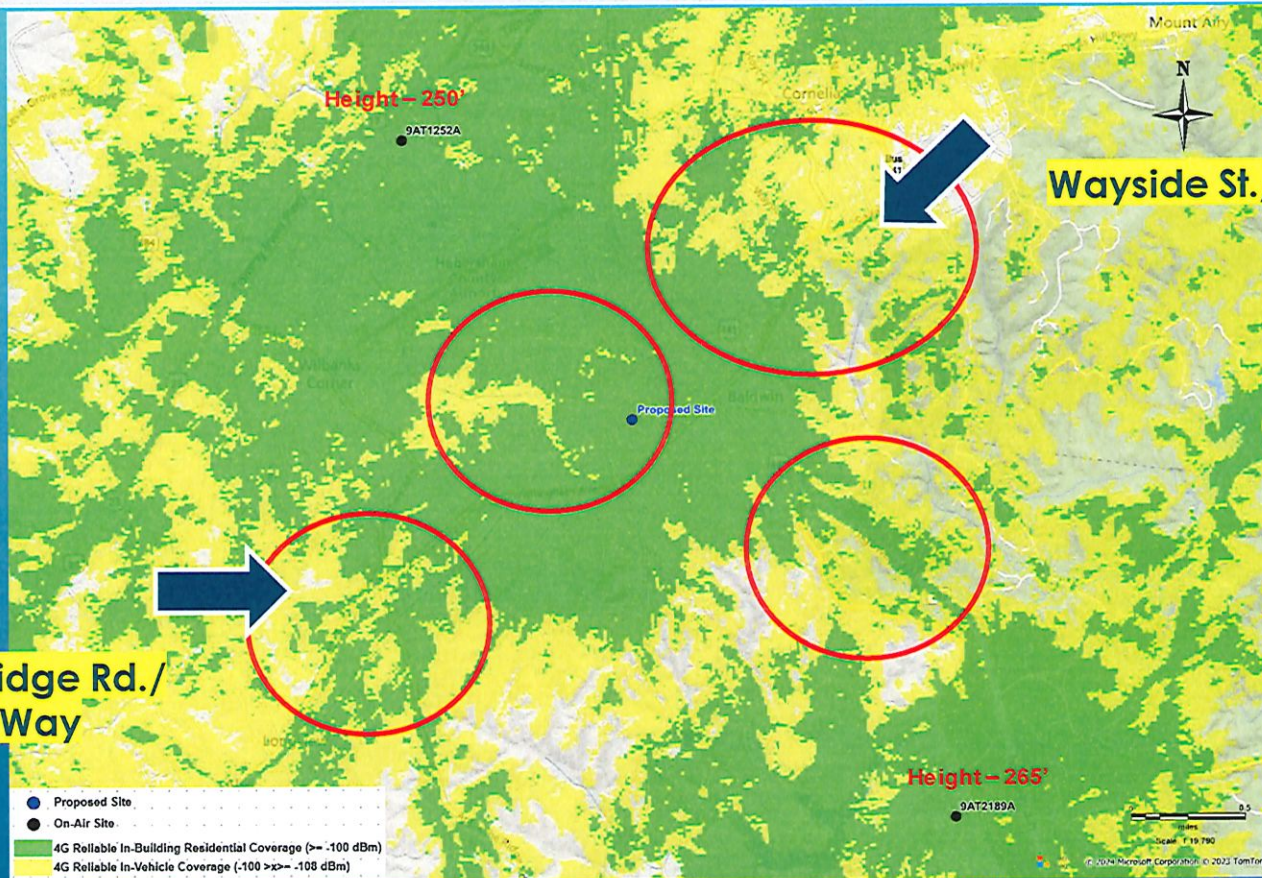


This plot shows improved in-building and in-vehicle coverage along US Hwy441 & Willingham Avenue and surrounding areas. The red circles indicate a coverage loss as the height decreases.

T-Mobile 9AT3718A

9AT3718A – 159 Traditions Drive
Baldwin, GA 30511
(Latitude = 34.490618, Longitude = -83.543503)

**4G Voice Service with the Proposed Site @ 190' AGL
MID BAND (2100 MHZ) LTE COVERAGE MAP (RSRP)**



**Apple Pie Ridge Rd./
Heartwood Way**

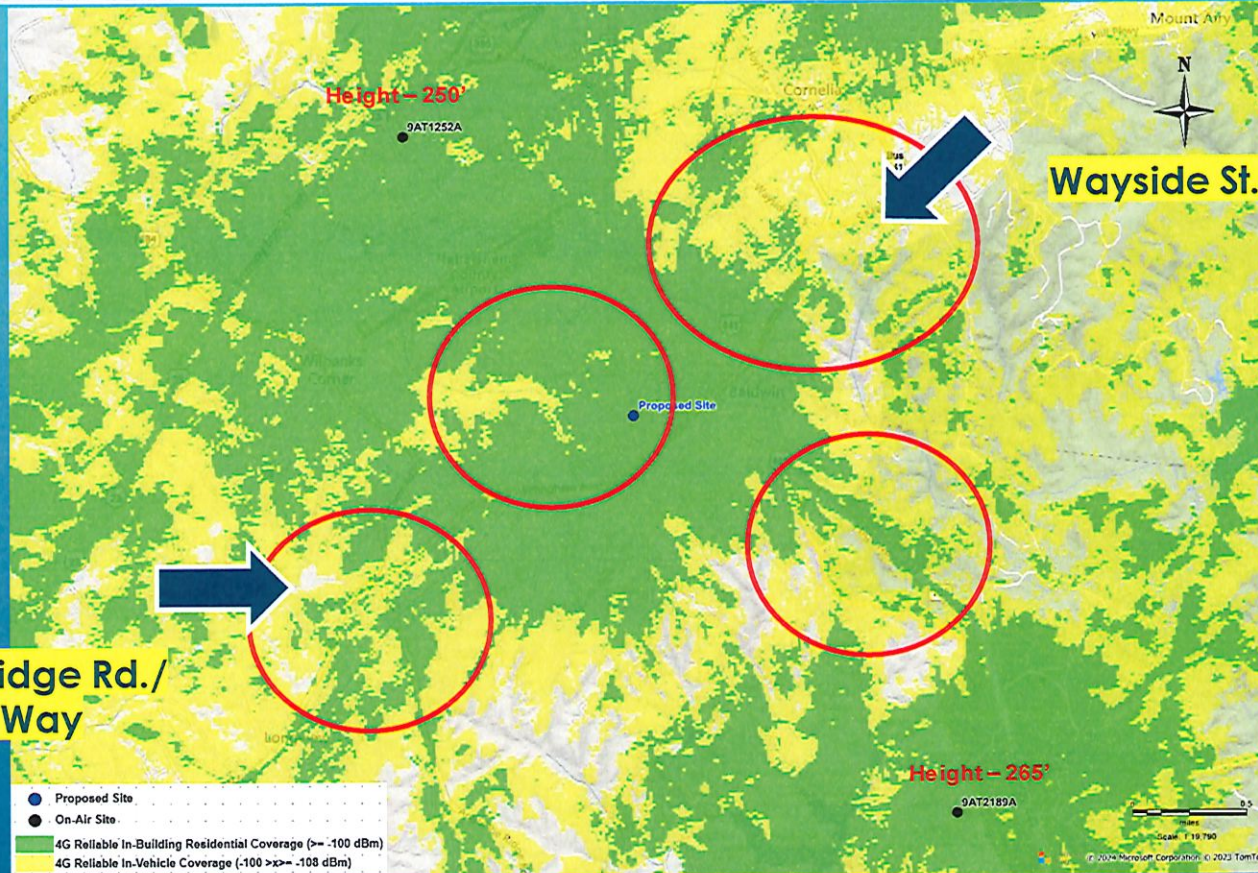
Wayside St./ S. Main

This plot shows improved in-building and in-vehicle coverage along US Hwy441 & Willingham Avenue and surrounding areas. The red circles indicate a coverage loss as the height decreases.

T-Mobile 9AT3718A

9AT3718A – 159 Traditions Drive
Baldwin, GA 30511
(Latitude = 34.490618, Longitude = -83.543503)

4G Voice Service with the Proposed Site @ 170' AGL MID BAND (2100 MHZ) LTE COVERAGE MAP (RSRP)

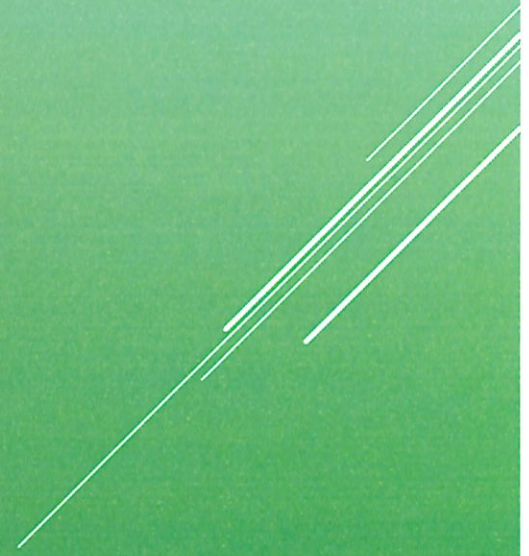


Apple Pie Ridge Rd./
Heartwood Way

Wayside St./ S. Main

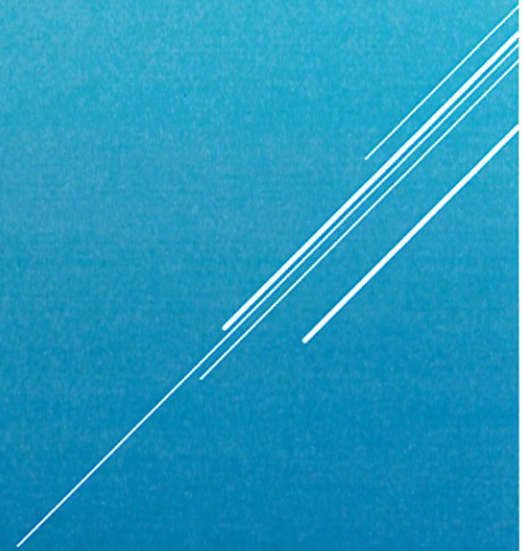
This plot shows improved in-building and in-vehicle coverage along US Hwy441 & Willingham Avenue and surrounding areas. The red circles indicate a coverage loss as the height decreases.

VERTICAL BRIDGE, LLC
US-GA 5322 WILLINGHAM



THANK YOU

Mattaniah S. Jahn





HUNT & TAYLOR
Law Group

Writer's Email: hunt@huntandtaylor.com

February 6, 2024

Mayor and Council
City of Baldwin
Baldwin City Hall
186 Hwy. 441 Bypass
Baldwin, GA 30510

Re: Application for Variance
Name: VB BTS II, LLC
Tax Parcel Nos. 09 3010 C, D, and E

Dear Mayor and Council:

This law firm represents Habersham County with regard to the above referenced Application for variance for the construction of a 250-foot cell tower on the above referenced parcels. The proposed tower poses a substantial danger and risk to the safety of pilots and passengers of aircraft utilizing the Habersham County Airport. Habersham County respectfully requests that the Mayor and Council deny the Application.

The Habersham County Airport is located .86 nautical miles from the location of the proposed cell tower. The Airport is used by both recreational and professional pilots of single and twin prop airplanes and corporate jets. The Airport also serves as a base for flight instruction for new pilots. The Airport has seen substantial and significant growth over the last five years with the construction of a new terminal building and the expansion of its runway. Over 70 aircraft are based at the Airport and plans are currently underway for the construction of additional hangars which will house additional aircraft. In short, the Habersham County Airport is an emerging regional airport which provides significant economic impacts to both Habersham County and surrounding municipalities, including the City of Baldwin.

The proposed 250-foot AGL self-support lattice style communications tower represents a clear and present danger to pilots who use the Airport. The proposed tower is 1,752 feet above sea level, as opposed to the runway for the Airport which is located at 1,447 feet above sea level. The tower would be the highest structure in the near vicinity of the Airport. The proposed tower is located

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within the Airport's airspace plan for aircraft taking off or landing at the Airport, as shown in the attached Exhibit "A." The most critical time for pilots is during their takeoff and landing procedures, and the encroachment of the airspace plan by this tower will create an additional risk to pilots during the most crucial segments of the operation of their aircraft. The proposed tower is plainly violative of Section 709.4(b) of your ordinances, which provides that no use may be made of land within the Airport Overlay District which makes it "difficult for pilots to distinguish between airport lights and others, results in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport...where otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport."

The term "Variance" is an important term as used in the Code of Ordinances for the City of Baldwin. Variance is generally defined as "[A] relaxation of the terms of the Zoning Ordinance...where such variance will not be contrary to the public interest...and where a literal enforcement of the regulations would result in unnecessary and undue hardship." (Section 301). In the ordinance provisions applicable to variances in the Airport Overlay District, before a variance can be granted, the Council must find that a literal application of the ordinance "will not be contrary to public interest" and will not create risks for "air navigation." (Section 709.5 (d)). Here, the variance will run contrary to public safety by jeopardizing the airspace of the Airport, and, since no tower is located on the proposed site, the denial of the Application will not result in unnecessary and undue hardship to the Applicant, since there are a myriad of appropriate uses of the property within the City's current zoning ordinance.

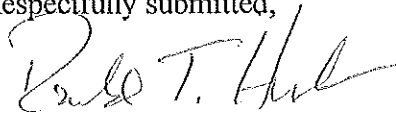
Further, procedurally, your ordinance requires that a copy of the application for the variance be furnished to the fixed base operator at the Airport, "for advice as to the aeronautical effects of the variance." To the knowledge of Habersham County, the fixed based operator at the Airport was not provided with a copy of the variance application and therefore procedurally, the Application is not properly before the Council.

The Mayor and Council should take note that the FAA letter submitted by the Applicant does not alleviate the safety risks presented by the proposed tower. The FAA letter submitted by the Applicant is dated September 12, 2023, some two months prior to the submission of the Application to the City of Baldwin. The FAA study acknowledges that the tower is an obstruction, and further acknowledges that the height of the tower exceeds standards promulgated by the FAA. To the knowledge of Habersham County, no communications were received by the Airport to provide input or meaningful data to the FAA prior to the issuance of the September 12, 2023 determination.

Mayor and Council
City of Baldwin
February 5, 2024
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For these reasons, and in the interests of the public safety, health and welfare of the general public, Habersham County urges the Council to deny the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald T. Hunt". The signature is written in a cursive style with a long horizontal stroke at the end.

Donald T. Hunt
County Attorney for Habersham County, Georgia

DTH/lb

Enclosure

