



Agenda
City Council Meeting
January 29th, 2024
6:30pm

Baldwin Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

Call Meeting to Order

Invocation and Pledge

State of the City Address

Consent Agenda

- a. Approval of Minutes: Council Meeting 1/16/24.
- b. Approval of Budget Amendment - Emergency Sewer Expense: \$36,993.66

Citizen Comments

Public Hearings

Reports

Water and Wastewater Treatment – Fletcher Holliday

Old Business

1. Consideration/Approval of Council Meeting Procedures

New Business

2. Consideration/Approval of 1st Reading of Vertical Bridge SUP and Variance
#2024-01136Z
3. Request to Address Council – Douglas McDonald regarding Agenda Item #2
4. Reappointment of Mayor Pro Tempore

Executive Session

Announcements

- 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.

Adjournment

***The City of Baldwin will provide reasonable accommodations whenever needed for those participating in a City Council meeting. Please notify the City Clerk as early as possible prior to a meeting to ensure such accommodations can be made in a smooth and timely fashion.*



City of Baldwin Council Meeting Procedures

Office of the City Clerk

P. O. Box 247
186 Hwy 441 Bypass, Baldwin, GA 30511

During Baldwin City Council meetings, decisions are made that formally set municipal programs in motion, enact ordinances, adopt policy, and authorize the expenditure of city funds. This guideline discusses the conduct of meetings, preparation for meetings, rules of procedure, and encouragement of orderly citizen participation.¹

City of Baldwin Council Meetings

The City of Baldwin charter amendments define a Baldwin City Council Meeting as “each regularly scheduled meeting, each emergency meeting, each work session, and each specially called meeting of the City Council of the City of Baldwin.”² Executive sessions and public hearings would also be included as part of the meeting process.

Regular Meetings

Regular meetings are official meetings held twice per month to consider municipal business, make policy decisions, approve contracts, establish budgets, and enact ordinances or resolutions. These meetings are held on the second and fourth Monday of each month, starting at 6:30 pm unless the date and time is changed at a previous council meeting.

Work Sessions

Work sessions provide members the opportunity to meet with staff in order to delve into complex issues, discuss solutions and alternatives, give direction to staff, or discuss upcoming city business. The regular schedule for the Baldwin City Council monthly work session is that a work session will be held on the *Tuesday* prior to the first regular monthly City Council meeting. The meeting will begin at 6:30 pm. The Baldwin City Charter allows for more than one work session per month if the Mayor or Council deems it necessary. These meetings are typically less formal and are often used for information gathering. Baldwin City Charter Amendment/Ordinance No. 0029-33 states that during the work sessions, “no official action is to be taken.”³

Special Called Meetings

This type of meeting is usually convened to discuss and vote on a limited number of specific issues. For example, a special called meeting may be held to take action on a controversial issue or an issue that requires immediate attention and cannot wait until a regular meeting. Because there may be a number of people wishing to comment regarding the request, holding a special called meeting to address the issue is an effective way to avoid an otherwise long and drawn-out regular meeting. The Baldwin City Charter has special requirements in order to conduct a special called meeting and those requirements should be followed.

Emergency Meetings

In the event of special circumstances which necessitate meeting under 24 hours' notice, a meeting may be called using the special requirements of calling a meeting with less than 24 hours' notice per the City Charter.⁴ Additionally, an emergency ordinance may be passed to meet a public emergency affecting life, health, property, or public peace providing it receives at least four affirmative votes of the council and follows the procedures in the City Charter.⁵

Executive Sessions

Council meetings that are closed to the public are referred to as executive sessions. Such meetings may only be held for the specific, limited purposes authorized by law, and the council must comply with statutory procedures when closing a meeting. These private sessions are held with the elected officials and any staff or appointed professionals necessary to the discussion.

Public Hearings

Public hearings allow citizens to comment and express opinions on matters of public concern. Generally, no official action is taken during a public hearing. Some hearings are required by law, but they may also be used by the council for other matters. They may be called in order to gather facts related to proposed action or to gauge public opinion by allowing citizens the opportunity to comment on a specific topic, such as a land-use plan. Public hearings may be held as part of a regular or special called meeting, or they may be entirely separate meetings.

Official decisions may **only** be made in regular, open meetings of the City Council. At such meetings, issues are publicly debated, and action is taken.

Rules of Procedure

There is no state law requiring adoption of a particular set of rules for running a city council meeting. Instead of adopting a standard guide to parliamentary procedure, such as *Robert's Rules of Order*, the City Council of Baldwin is adopting a custom set of procedural rules to govern its meetings. Those rules are as follows:

City of Baldwin City Council Meeting Procedures

Purpose

The Baldwin City Council establishes these rules of order to help manage the conduct of the Baldwin City Council meeting and to facilitate an efficient and orderly meeting while transacting the municipal business of the City of Baldwin. These rules and procedures help to establish and maintain order by providing a clear framework for the meeting. The rules are clear and simple, facilitate wider understanding and participation, and encourage citizens to participate in the process.

The Baldwin City Council recognizes the hierarchy of the law and acknowledges that the U.S. Constitution and federal law, the Georgia Constitution and state law, and the Baldwin City Charter override any procedural meeting rules the council may adopt.

Order of Business

The Baldwin City Charter establishes the Mayor as the presiding officer at city council meetings.⁶ The Mayor as presiding officer will be recognized as and have the authority of the meeting Chair.

Baldwin City Council meetings should follow an order of business formally included in these rules and procedures. The council should not depart from the order except in unusual cases and then only by majority vote of the Council. An order of business makes it easier to prepare the agenda and minutes and because it provides predictability, it engenders greater public confidence.

The Agenda

The agenda constitutes the Baldwin City Council's road map for the meeting. A formal, written agenda following the official order of business should be prepared in advance of each meeting. The Mayor, as executive officer of the City and presiding officer of the Baldwin City Council meeting, is responsible for directing the preparation of each meeting's agenda in consultation with the *Chief Administrative Officer*, City Clerk, and City Council Members. The agenda must list all items that are expected to be considered a particular meeting.⁷ State law requires that the agenda be made available to the public and be posted at the meeting site.⁸ Although state law allows for adding necessary items to the agenda after it is posted⁹, last minute additions that introduce materials that Council Members have not had time to study should be avoided.

The Mayor shall establish a deadline for submitting requests or communications for inclusion in the agenda. Outside parties of interest wishing to address the Baldwin City Council should complete a Baldwin City Council Agenda Request Form. These forms *should be submitted to the City Clerk and relayed to the CAO and Mayor for approval. Citizens of Baldwin and members of the general public with a vested interest in the City of Baldwin can address the City Council during each council meeting during "Public Comments and Concerns."*

Official Order of Business

The agenda and meeting will use the following format:

1. *Call Meeting to Order*
2. *Invocation and Pledge*
3. *Consent Agenda*

4. *Public Comments and Concerns*
5. Public Hearings (if any)
6. Reports (from city officers, committees, special presentations, other)
7. Old Business
8. New Business
9. *Executive Session*
10. *Announcements*
11. Adjournment

Discussion *and Calling for a Vote*

The same basic format should be used for discussion *and voting* on each item on the agenda. *The Chair will do the following:*

- Announce the agenda item, sometimes by number, clearly stating the subject.
- Invite reports from staff, advisory committees, or other persons charged with providing information to the body.
- Ask if any Council Members *have questions or comments regarding the subject.*
- If at a public hearing, opens the hearing to public input and at the end of the public comment section announces the public input has concluded or the public hearing has ended. The balance of the discussion will be limited to the members of the council unless the council waives the rule by majority vote.
- Invite a motion from the council. *A Council Member will make a motion by stating “I will make that motion,” or “So moved.”* When a motion is received, the Chair will announce the name of the Council Member who made the motion and call for a second. *A different Council Member will state “I will second that motion,” or “Seconded.”* When a second is received, the Chair will announce the name of the Council Member who made the second. *If no second is made, the Chair will state “Motion dies due to lack of a second.”*
 - *The Chair may then call for a vote to explicitly deny the request of the failed motion if Council has no desire for the item to be tabled.*
- Moderate the discussion if any further questions or comments are necessary. *If Council desires more time to consider the proposed item or for City staff to gather more information, Council may be in consensus to table an item to a specified future date or indefinitely.*
- Call for a vote. Affirmative votes (in favor) answer with “aye” and opposing votes answer with “nay.” The Chair will ask if there are any abstentions.
- *Any Council Members with any personal conflict of interest in the item being voted for must publicly recuse themselves from voting and clearly state the reason.*
- Announce if the motion passes or fails *with the vote count, including any abstentions or recusations for the record.*
- *Per the City Charter, the Chair has the right to veto any vote or ordinance adopted by the City Council within three days following its adoption.*

Transacting the business of the council in this fashion provides consistency in the decision-making process and assures that the members of the governing body consider all available information before making a decision.

Those Participating in Council Meetings

In addition to the Mayor and the Baldwin City Council Members, others may be necessary for an effective meeting. Usually appointed officials, including the *Chief Administrative Officer* and City Clerk, *will attend the meeting*. At times, city staff or other necessary officials such as the City Attorney may be present.

Presiding Officer

The Mayor is the presiding officer (Chair) over Baldwin City Council meetings. The performance of the presiding officer is the key to effective, businesslike meetings. The Mayor is responsible for ensuring that meetings are orderly, conducted in conformity with the rules of the procedure, and progresses at an appropriate pace. At the same time, the presiding officer (Chair) is responsible for ensuring that Council Members and citizens have ample opportunity to express their views.

Members of the Baldwin City Council

The elected Council Members are the policymakers. City Council Members share with the presiding officer the responsibility for properly conducted meetings. This responsibility includes having respect for one another's views and being willing to compromise, when possible, for the good of the City.

Chief Administrative Officer

The *Chief Administrative Officer* should attend all meetings of the City Council. This officer plays a significant role in preparing the business to be considered at City Council meetings. The *Chief Administrative Officer* is called upon to gather data, develop and evaluate alternatives, make policy recommendations to the City Council, and carry out the intentions of the City Council.

City Clerk

The City Clerk is appointed by the City Council as the official record keeper for Baldwin⁹ and is responsible for keeping the official minutes of council meetings. The City Clerk's duties also include preparing and distributing the meeting agenda with *direction* from the Mayor, maintaining certain City records, preparing and processing other records and reports as directed by the City Council, and managing the City Council office. The City Clerk will typically make certain that all meetings are advertised in accordance with

the Open Meetings Act of Georgia and the Baldwin City Charter. In matters dealing with the City Council and Council meeting duties, the City Clerk is responsible to the City Council and administratively communicative with the *Chief Administrative Officer*.¹⁰

In duties such as tax collections, [permitting](#), and other duties assigned as necessary, the City Clerk is administratively responsible and accountable to the *Chief Administrative Officer* as delegated by the Mayor.¹¹

City Attorney

The City Attorney advises the City Council on its powers and duties under the law. This officer can be required to attend meetings when necessary in order to give legal advice on matters before the Council. The City Attorney may be asked to prepare ordinances and resolutions, charter amendments, and other legal documents. In addition, the City Attorney should be accessible to city officials at all times and is administratively communicative with the *Chief Administrative Officer*.¹²

Public Participation

Georgia law requires that virtually all Council meetings be open to the public (with limited exceptions), but the law does not require the members of the public be allowed to speak. Nonetheless, the Baldwin City Council adheres to the principle that Baldwin citizens *and others with vested interest in the City of Baldwin* should have the right to petition their elected representatives. Allowing time for public comment and debate at meetings maintains elected officials' accessibility and communicates the desirability and value of citizen input. For that reason, the agenda at regular City Council meetings includes time for comments from Baldwin citizens. It is recognized that the Chair may have to limit citizens' speaking time so that the meeting can proceed in an orderly and expedient fashion. *For a full five minutes to address the Council or to be placed on the agenda, a request must be submitted to the City Clerk by 12:00 pm the Friday before a meeting. All others will be given three minutes to address the Mayor and Council.*

The public is more likely to participate in meaningful discussions if they are familiar with the City Council's agenda process and its Rules for Procedure.

The Rules of Procedure for Baldwin City Council Meetings

The following are the basic rules of procedure:

- The meeting will follow the order of the agenda.
- All Council Members are equal and have equal rights to attend meetings, make motions, debate, and vote.
- A quorum must be present to conduct business.
- The Chair may find a member's action "out of order" if it interrupts another member's right to speak or disrupts the procedures of the meeting. Also, "out of

order” declarations can be directed at any speaker addressing the Council if they are disruptive to the meeting.

- *Derogatory and inflammatory* remarks are always “out of order.” Debates must be directed to motions and principles, not motives and personalities.
- *All motions require a minimum of three votes in the affirmative (ayes) for approval, with the exception of motions that require a unanimous vote of Council.*
- Council Members should vote in the affirmative (for the motion) by saying “aye” and should vote in the negative (against the motion) by saying “nay.” Members who wish to abstain should say “abstained” at the proper time in the vote process.
- A motion must directly be related to the *item* under consideration and must receive a second to receive a vote.
- The presiding officer may not put a debatable motion to a vote as long as members wish to debate it.
- Once an *item* is decided, it is generally out of order to bring up the same motion or one essentially like it at the same meeting.
- To “table” a motion or *item* is to postpone the motion temporarily until later in the meeting or to another meeting, allowing for more information to be gathered. The question may be brought up again later or at another meeting.
- A Council Member will be allowed to make general comments at the end of a meeting. These remarks will not necessarily lead to a motion.

NOTES:

1. McBride, Walt. Portions drawn from *Meetings and Public Participation*.
2. City of Baldwin Charter Amendment, *Ordinance No. 0029-103, p. 2. Passed July 25, 2005.*
3. City of Baldwin Charter Amendment, *Ordinance No. 0029-33. P. 2. Passed June 14, 1999.*
4. City of Baldwin Charter Amendment, *Ordinance No. 0029-33, p.3. Passed June 14, 1999.*
5. City of Baldwin Charter, Section 2-6(b), p. 2 and Section 2-10 p. 5. March 28, 1986.
6. City of Baldwin Charter, Section 2-13, P. 7. March 28, 1986.
7. Official Code of Georgia Annotated (O.C.G.A.) §50-14-1(1).
8. Ibid.
9. City of Baldwin Charter, Section 3-4, p. 9 March 28, 1986.
10. Administrative Policy No.0029-218, p. 3-4. Approved May 14, 2012.
11. Administrative Policy No. 0029-218, p. 4-5. Approved May 14, 2012.
12. Ibid.



SENT VIA EMAIL ONLY

November 16, 2023

Ms. Emily Woodmaster
City of Baldwin Zoning Department
186 Hwy 441 Bypass
Baldwin, GA 30510
ewoodmaster@cityofbaldwin.org

RE: VB BTS II, LLC
Site Name: US-GA-5322 Willingham
Special Use & Variance Applications for a
250' AGL Lattice Style Communication Tower and Support Facility

Ms. Woodmaster:

On behalf of my client, VB BTS II, LLC (Vertical Bridge), please find enclosed a Special Use and Variance Request to allow a 250' AGL self-support lattice style communication tower and related facilities upon three lots # 093 010C, 093 010D, and 093 010E (collectively, the "Parent Parcel" with the address 159 Traditions Dr, Baldwin, GA along with the included supporting documentation:

- Application Check Cover letter in the amount of \$625.00 (Sent via UPS Next Day)
- Agent Of Record
 - Rogelio A. Briceno and Soledad R. Briceno to Mattaniah S. Jahn, P.A.
 - Vertical Bridge ERIT, LLC to Mattaniah S. Jahn, P.A.
- Property Cards
 - Parcel 093 010C
 - Parcel 093 010D
 - Parcel 093 010E
- Warranty Deed
- Memorandum of Lease
- Colocation Affidavit
- Aerial Maps
 - Property Appraiser Aerial Map
 - Vicinity Aerial Map
- Legal Descriptions on 8.5 x 11 in Word format
- RF Justification Package
 - T-Mobile RF Justification Package
 - RF Affidavit

- FAA - Determination of No Hazard Report
- Fall Zone Letter
- Site Survey
- Site Plan Set

Summary of Request

Vertical Bridge respectfully requests a Special Use and Variance approval to allow a 250’ AGL self-support lattice style communication tower (“Lattice”) and support facility upon the Parent Parcel. The Lattice will be able to support T-Mobile’s equipment and 2 additional carriers for a total of 3 colocations and will be placed in a wooded portion of the undeveloped 1.72 Ac. parent parcel. The parcel’s current zoning is R-1 Single Family District. Vertical Bridge additionally respectfully requests a Variance for height.

Applicable Zoning Ordinance:

ARTICLE IX - TELECOMMUNICATIONS TOWERS

Section 900. Purpose and Intent

The purpose of this Article is to provide clear guidance for agencies and businesses that wish to locate telecommunications towers and associated facilities within the City Limits of Baldwin, to regulate the height and composition of telecommunications towers, where possible; and to balance the needs of the telecommunications industry with desire of the public for an unobtrusive viewshed.

Vertical Bridge respectfully submits the Lattice will provide a balance between the federal requirement that T-Mobile provide reliable service to the public in Baldwin with the desire for an unobstructive viewshed. First the Lattice will be the minimum height necessary to solve T-Mobile’s gap in service. Next, the Lattice will be a dull gray color to better allow it to blend into the background sky. The Lattice will be lighted, but it will have the minimum lighting necessary to meet FAA safety requirements. The lighting will be aimed up and out towards aircraft. Finally, the location places the Lattice on wooded land, proximate to a rail corridor, away from US 441. Please see the enclosed Site Plan Set.

Section 901 Definitions related to telecommunications.

Antenna: Any device or combination of devices, whether rods, panels or dishes, designed to receive and/or transmit radio frequency signals for amateur radio or personal wireless services, including but not limited to cellular telephone, Personal Communications Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), Private Mobile Radio (PMR) and paging.

Tower: Any structure designed and constructed primarily for the support of one or more antennae and including guyed, self-support (lattice) and monopole types. This term does not include Concealed Support Structures.

Concealed Support Structure: Any freestanding structure constructed for the primary purpose of supporting one or more antennae but designed to resemble an architectural or natural feature of the specific environment, concealing or camouflaging the presence of the antennae. The term includes but is not limited to clock towers, campaniles, water towers, silos, light poles, flagpoles, and artificial trees.

Temporary Wireless Communication Facility: Portable equipment without permanent foundation that is used for a limited period while a permanent facility is under construction, under repair or during a special public event or emergency. Also called a Cell-on-Wheels (COW).

Section 902. Exemptions.

- a) ...

Section 903. Principal or accessory use.

Antennae, towers and concealed support structures may be either a principal use or an accessory use and may be located on a non-conforming lot or on a lot containing a non-conforming use. The construction of a tower or Concealed Support Structure in compliance with this Section shall not be considered an expansion of a nonconforming use.

Vertical Bridge respectfully proposes to construct the Lattice upon a parent parcel consisting of lots #093 010C, 093 010D, and 093 010E, which is undeveloped. Please see Sheet C-1.

Section 904 Approval required.

- a) No wireless communications facility located on private property shall be constructed unless it has first been approved as determined by the following Table 9.1.

Table 9.1: Approval process for wireless communications facilities

	Facility Type				
	Attachment to Existing Building or Structure	Concealed Support Structure	New Tower		Co-Location on Existing Tower
			Monopole	Other	
A	BP/AR	SU	SU	SU	BP
R-1	BP/AR	SU	Prohibited	Prohibited	BP
R-2	BP/AR	SU	Prohibited	Prohibited	BP

R-3	BP/AR	SU	Prohibited	Prohibited	BP
MHD	BP/AR	SU	Prohibited	Prohibited	BP
PDD	BP/AR	SU	Prohibited	Prohibited	BP
NC	BP/AR	SU	SU	Prohibited	BP
AOD	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
SCOD	BP/AR	SU	Prohibited	Prohibited	BP
DROD	BP/AR	SU	Prohibited	Prohibited	BP
HB	BP/AR	SU	SU	Prohibited	BP
1-1	BP	SU	SU	SU	BP
1-2	BP	SU	SU	SU	BP

BP= Building Permit BP/AR= Building Permit After Administrative Review SU = Special Use (emphasis provided)

Vertical Bridge respectfully requests both a Special Use and a Variance approval so as to allow T-Mobile to solve a significant gap in its service. Please see the enclosed RF Package.

- b) No antenna, tower or Concealed Support Structure shall be located on a lot platted or used for single -family residential purposes.

Vertical Bridge respectfully requests both a Special Use and a Variance approval so as to allow T-Mobile to solve a significant gap in its service. Please see the enclosed RF Package.

- c) Concealed support structures in the A, R-1 and R-2 zoning districts shall be allowed only in conjunction with an existing non-residential use.

N/A, Vertical Bridge respectfully proposes to construct a lattice style communication tower due to the height needed by T-Mobile. Please see Sheet C-2 as well as the enclosed RF Package.

- d) A Temporary Wireless Communication Facility may be approved by Administrative Review in any zoning district for a period not to exceed 90 days. The application shall include an explanation of the urgency of need for a temporary facility in addition to all other documentation requirements.

N/A.

- e) In addition to the standards enumerated for Administrative Review or special use approval, the following factors shall also be considered:

- 1) Height of the proposed tower or Concealed Support Structure.

The Lattice will be 250' AGL, which is the minimum height necessary to solve T-Mobile's gap in service.

- 2) Proximity of residential uses.

The Lattice will minimize its proximity to residential properties by its siting on the North end of the Parent Parcel, which places the Lattice on a wooded lot that does not have constructed street access. This achieves the City's planning objective of avoiding major road corridors, locating the lattice near an active freight rail corridor. Please see the enclosed Site Plan Set as well as the enclosed Aerial.

- 3) Topography of the surrounding area.

The Lattice will be located upon land that is roughly midway between the crest of a hill (to the Northeast) and a dell (to the West). This siting keeps the lattice off the highest point of the topography in the area while providing adequate height for T-Mobile to solve its gap in service. Please see the enclosed Topographic Survey as well as the enclosed Property Appraisers Aerial Map.

- 4) Surrounding tree cover and existing vegetation.

The Majority of the Parent Parcel is wooded. Additionally, mature trees predominate throughout the area, helping to break up viewsheds and buffer the Lattice from surrounding uses. Please see the enclosed Property Appraisers Aerial Map and Vicinity Aerial Map.

- 5) Design of the structure with particular reference to characteristics that have the effect of reducing or eliminating visual obtrusiveness.

The Lattice will have a dull gray finish with no guy wires extending out from it. Further, while it will be illuminated, it will be equipped with the minimum lighting necessary in order to meet FAA safety requirements. The lighting will be directed out and up towards aircraft. Finally, the Lattice will be the minimum height necessary to solve T-Mobile's gap in service, which will minimize the Lattice's height and bulk. Please see Sheet C-4 as well as the enclosed RF Package.

- 6) Whether there exist or have been approved other suitable towers or tall structures within the geographic area required to meet the proposed service provider's engineering requirements. The lack of suitable alternatives may be demonstrated by one or more of the following:
 - a. That existing towers or tall structures are not located within the necessary geographic area.

The only tall structure in the area is a water tower located upon parcel 091C093, which is unable to support T-Mobile's colocation. Otherwise, there are no existing towers or tall structures in the area. Please see the enclosed RF package as well as the enclosed RF Affidavit.

b. That existing towers or tall structures are not of sufficient height to meet system engineering requirements.

The only tall structure in the area is a water tower located upon parcel 091C093, which is unable to support T-Mobile's colocation. Otherwise, there are no existing towers or tall structures in the area. Please see the enclosed RF package as well as the enclosed RF Affidavit.

c. That existing towers or tall structures do not have the structural capacity to support the service provider's antennae or do not have sufficient ground or interior space for related equipment.

The only tall structure in the area is a water tower located upon parcel 091C093, which is unable to support T-Mobile's colocation. Please see the enclosed RF package as well as the enclosed RF Affidavit.

d. That the proposed service provider's antennae would cause interference with antennae on existing towers or tall structures or that existing systems would cause interference with the proposed service provider's signal.

N/A

e. That other limiting factors, not including economic considerations, render existing towers or tall structures unsuitable.

The only tall structure in the area is a water tower located upon parcel 091C093, which is unable to support T-Mobile's colocation. Please see the enclosed RF package as well as the enclosed RF Affidavit.

f) Any decision to deny an application to place, construct, or modify personal wireless service facilities shall be in writing and cite the basis on substantial evidence contained in a written record.

Noted.

Section 905 Height Limitations and Co-Location Requirements.

a) Antennae attached to existing buildings ...

Section 906. Design Criteria.

906.1 Setbacks.

- a) All towers shall be located no less than a distance equal to the height of the tower from any property zoned or used for single -family residential purposes.

Vertical Bridge respectfully requests variance relief from this requirement to the Northeast, Northwest, and Southwest. The request to the Northwest is a technical variance as, while it is zoned R-2, it is part of a Norfolk Southern freight railway corridor. Please see Sheet C-1.

- b) All towers shall be located at least one-third of its height from any public right-of-way.

The Lattice will comply. Please see Sheet C-1.

- c) Setbacks shall be based on the entire lot on which the tower is located and shall not be applied to any lease area within the host parcel.

The Lattice will meet all setback requirements for R-1 zoning. Please see Sheet C-1.

- d) Accessory structures or anchors in conjunction with a tower shall comply with the minimum yard requirements of the zoning district in which they are located.

The Lattice's equipment compound will meet all setback requirements for R-1 zoning. Please see Sheet C-1.

906.2 Landscaping, Screening and Visual Impact.

- a) A minimum 10-foot wide area meeting buffer standards shall surround towers and related equipment. Landscaping and buffer areas must be under the ownership or long-term lease of the tower owner. The required buffer area may be reduced or waived by the City Council if existing natural vegetation on site provides sufficient screening from adjacent properties and public rights-of-way.

Vertical Bridge respectfully requests to use the existing mature vegetation on the Parent Parcel in lieu of a planted buffer. If necessary, Vertical Bridge will provide the landscaping buffer. Please see the enclosed Aerial.

- b) Antennae and related equipment attached to existing structures other than towers shall be of the same color as any feature of the structure that forms the background.

N/A.

- c) Antennae and related equipment attached to historically or architecturally significant structures, within the Scenic Corridor Overlay District (SCOD) or within Significant View Corridors, as established by the City of Baldwin or state or federal law or agency, shall be concealed in a manner that matches the architectural features of the structure.

N/A.

- d) Concealed support structures shall have all related equipment screened from view by one of the following methods:

- 1) Locating all equipment in an existing building;
- 2) Locating all equipment in an underground vault; or
- 3) Locating all equipment in a new building that is of an architectural style similar to existing buildings or compatible with the specific environment.

N/A.

906.3. Lighting.

Security lighting of the facility is allowed to the extent that the light source is shielded from adjacent properties. Towers shall not be lighted beyond that required by the FAA. If lighting is required on a tower located within 1 mile of a residential use, the owner shall request FAA approval of a dual-lighting system.

Vertical Bridge will comply. Please see Sheet C-4.

906.4 Security.

All towers and related equipment shall be enclosed by decay-resistant security fencing not less than 6 feet in height and shall be equipped with other anticlimbing devices as appropriate to prevent unauthorized access.

Vertical Bridge respectfully proposes to enclose the Lattice's compound with a 6' tall chain link fence with three strands of barbed wire on top. Please see Sheets C-3 and C-5.

906.5 Signage.

Tower facilities shall have mounted in a conspicuous place, a sign of not more than 1 square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency. All other signs and any form of advertising are prohibited.

Vertical Bridge will comply.

906.6. Compliance.

All towers, concealed support structures, antennae and related equipment shall comply with all building, electrical and other Ordinances currently in force, the applicable standards of the Electronic Industries Association and the applicable regulations of the Federal Communications Commission and Federal Aviation Administration.

Vertical Bridge will comply.

Section 907. Application Requirements

907.1. Administrative Review

Applicants shall submit the following documentation for Administrative Review by the City of Baldwin:

- a) ...

907.2 Special Use.

All applicants for special use approval shall submit the following in addition to all documentation required by Article XVI for special use applications:

- a. A written statement of commitment to use the proposed site from at least one federally-licensed wireless service provider.

Please see the enclosed T-Mobile RF Package.

- b. Narrative and graphic materials, such as signal propagation plots, prepared by a radio frequency engineer clearly explaining and illustrating the proposed service provider's need for the new antenna installation. In documenting need, the applicant will address the proposed site's relationship to the existing antenna network, existing towers and tall structures located within 1 mile of the proposed location, the reasons why co -location on an existing tower is not feasible, the required antenna height and alternate locations as may be appropriate.

Please see the enclosed T-Mobile RF Package.

- c. Architectural renderings or simulated photographs of all proposed structure(s) in their physical environment with particular attention to views from public streets or residential uses.

An elevation drawing of the Lattice is shown on Sheet C-2. Vertical Bridge will provide photo simulations upon request.

- d. For towers or concealed support structures, a report from a qualified independent engineer licensed in the State of Georgia documenting the following:
 - 1) The location of the facility by longitude and latitude and Georgia State Plane Coordinate System, ground elevation and total height.

The GPS coordinates of the Lattice are shown on Sheet T-1 as well as the enclosed Survey.

- 2) Total anticipated capacity of the tower or concealed support structure, including assumptions as to number and type of antennae supported.

The Lattice will be designed to support up to 3 wireless carriers. Please see Sheet C-2.

- 3) Evidence of the structural integrity of the structure with respect to wind and ice loadings.

The Lattice will be designed to the applicable IBC, as amended by Georgia, including ice loading and wind loading. Please see Sheet T-1.

- 4) Design characteristics that indicate the limits of falling debris in the event of catastrophic structural failure.

In the unlikely event of structural failure, the Lattice will not collapse. Rather, it will fold over upon itself and be completely contained within the Parent Parcel.

- e. A scale drawing of the site and area that indicates distances to the nearest residential uses.

Please see Sheet C-1.

- f. map that illustrates the proposed tower location with respect to the nearest airport.

Please see the enclosed FAA Determination of No Hazard to Air Navigation with airport map on page 7.

- g. A determination by the FAA regarding hazards to air navigation.

Please see the enclosed FAA Determination of No Hazard to Air Navigation.

- h. Identity and current contact information of the person authorized by the applicant to answer questions from the local government or community regarding construction and operation of the facility. Include name, mailing address, telephone number, facsimile number and electronic mail address, if applicable.

Upon commencement of construction, the initial contact person will be:

**Allen Russell
750 Park of Commerce Drive
Suite 200
Boca Raton, FL 33487
Allen.Russell@verticalbridge.com
P: 843.224.9906**

The contact person will be updated from time to time as needed.

ARTICLE XVI AMENDMENTS TO THE ZONING ORDINANCE

...

Section 1615. Special Use Permits

Special Use Permits may be authorized, as prescribed herein and as expressly permitted as a Special Use within a particular Zoning District, by the Mayor and Council after notice as provided herein and holding a Public Hearing in accordance with the policies and procedures outlined in Article XX. The Mayor and Council reserve the authority to deny any request or to impose conditions on a use as deemed appropriate to protect the general health, safety and welfare

...

Section 1615.6 Review Standards

The Mayor and Council and the Planning Commission find that the following Review Standards are relevant in balancing the interest in promoting the public health, safety, morals, convenience, order or general welfare against the right to unrestricted use of property and shall govern the exercise of the power to adopt a Special Use Permit:

a) The existing land use and zoning classification of nearby property;

Please see Sheet C-1.

b) The suitability of the subject property for the zoned purposes;

The Parent Parcel is located on the side of a hill, at the end of a paper street, next to a mobile home park and a freight rail corridor. Vertical Bridge respectfully submits that while the parcel could be developed as a residential use, it would not be suitable to residential development that would sustain its initial property value and degree of functionality in regard to municipal resources.

c) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;

The Parent Parcel is located on the side of a hill, at the end of a paper street, next to a mobile home park and a freight rail corridor. Vertical Bridge respectfully submits that while the parcel could be developed as a residential use, it would not be suitable to residential development that would sustain its initial property value.

d) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;

The Lattice will not destroy property values. Rather, it will support the health, safety, morals, and general welfare of the public through providing reliable wireless service to the

area. Further, the Lattice will take currently underdeveloped lots at the end of a paper street and increase their taxable value to the City through improving them.

e) The relative gain to the public as compared to the hardship imposed upon the individual property owners;

The lattice, which will be located on the side of a hill, at the end of a paper street, next to a mobile home park and a freight rail corridor will not impose a hardship upon individual property owners. Rather, the Lattice will provide reliable wireless infrastructure to the public's gain.

f) Whether the subject property has a reasonable economic use as currently zoned;

The Parent Parcel is located on the side of a hill, at the end of a paper street, next to a mobile home park and a freight rail corridor. Vertical Bridge respectfully submits that while the parcel could be developed as a residential use, it would not be suitable to residential development that would sustain its initial property value

g) The length of time that the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;

The Parent Parcel has been vacant since at least 1996 (27 years). Please see the enclosed 3 Property Cards.

h) Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;

The Lattice will be located upon a parent parcel that is wooded. It is neighbored to the Northeast by lands developed as a mobile home park, to the Southeast by heavily wooded lands, to the Southwest by wooded lands located upon a paper street, and to the Northwest by a Norfolk Southern freight rail corridor. Vertical Bridge respectfully submits that the Lattice will not impact the development of adjacent and nearby property. Please see the enclosed Site Plan Set as well as the enclosed Vicinity Aerial Map.

i) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

The Lattice will be located upon a parent parcel that is wooded. It is neighbored to the Northeast by lands developed mobile home park, to the Southeast by heavily wooded lands, to the Southwest by wooded lands located upon a paper street, and to the Northwest by a Norfolk Southern freight rail corridor. Vertical Bridge respectfully submits that the Lattice will not impact the development, use, or usability of adjacent and nearby property. Rather the Lattice will support the existing use and usability of adjacent and nearby properties by providing reliable wireless service to the area. Please see the enclosed Site Plan Set as well as the enclosed Vicinity Aerial Map and RF Package.

j) Whether the zoning proposal is in conformity with the policies and intent of the land use plan; **Given the siting of the Lattice, the mature trees in the area, the significant gap in T-Mobile's service, Vertical Bridge respectfully submits that the Lattice is in conformity with the policies and intent of the land use plan.**

k) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The Lattice will be unstaffed and require only power and telco connections. It will typically require 1 trip per carrier per month, typically in a pickup truck sized vehicle. As such, the Lattice will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Please see the enclosed site plan set.

l) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds *for* either approval or disapproval of the proposed zoning proposal.

Vertical Bridge respectfully submits that the increasing use of wireless communications in lieu of land line connections, combined with the fact that the Parent Parcel has been vacant since 1996, support approval of the project.

ARTICLE VXIII – VARIANCES

Sections 1800 through 1804 – Reserved

Section 1805. Powers of the Mayor and Council with Respect to Variances

The Mayor and Council shall have the following powers with respect to variances from the terms of this Ordinance:

1805.1 To authorize, upon appeal in specific cases, such variances from the terms of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardship upon a finding by the City Council that:

a) There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and

The conditions of the built environment of the Parent Parcel, being located at the end of a paper street, bordering a mobile home park and a freight railway corridor, along with the specific RF propagation characteristics of the area's topography, are extraordinary in this instance. Please see the enclosed Property Appraisers Aerial Map, Sheet C-1, and RF Package.

b) The application of this Ordinance to this particular piece of property would create an unnecessary hardship; and

The application of the Ordinance in this instance would create an unnecessary hardship in that T-Mobile would be unable to close a significant gap in its service to the public. Please see the enclosed RF Package.

c) Such conditions are peculiar to the particular piece of property involved; and

The conditions of the built environment of the Parent Parcel, being located at the end of a paper street, bordering a mobile home park and a freight railway corridor, are peculiar to the parent parcel. Please see the enclosed Vicinity Aerial Map and Sheet C-1.

d) Such conditions are not the result of any actions of the property owner; and

The property owner did not create the parcels, nor place them at the end of a paper road, nor place them next to a freight rail corridor. Further, the property owner did not create the specific geographic and physical characteristics of the built environment in around Baldwin, which heavily influence how T-Mobile's RF signal propagates through the area. Please see Sheet C-1 as well as the enclosed Vicinity Aerial Map, and RF Package.

e) Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Ordinance;

The relief will not cause substantial detriment to the public good or impair the purposes or intent of the Ordinance. Rather the it will support the public good and the intent of the Ordinance, while complying with Federal Law, through providing reliable wireless service to the public in the area. Please see the enclosed RF Package.

f) No variance may be granted for a use of land or building or structure that is prohibited by this Ordinance or which would result in a greater intensity of development on a property than would otherwise be allowed if no variance were involved.

The variance will not result in greater intensity of development on the Parent Parcel. Rather, the Lattice, which will be unstaffed and require only power and telco connections. It will typically generate 1 trip per carrier per month, typically in a pickup truck sized vehicle. Finally, it will allow the majority of the mature trees on the Parent Parcel to remain in place as it will not require extensive clearing. Please see Sheet C-1.

Thank you for your assistance in this matter. Please do not hesitate to contact me if I am able to provide you with additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mattaniah S. Jahn". The signature is fluid and cursive, with a large loop at the end.

Mattaniah S. Jahn, Esq.

MSJ/dkp

Enclosures

AGENT OF RECORD LETTER

We, Rogelio A. Briceno and Soledad R. Briceno, with an address of 122 Perry Manor Dr. Baldwin, GA 30511, own land in the City of Baldwin, Habersham County, Georgia identified by parcel # 093 010C. We hereby designate and appoint the below listed Agent(s) of Record for any necessary zoning or permitting processes for a communication tower on said parcel.

The Agent of Record is vested with the authority to make any representations, agreements or promises which are necessary or desirable in conjunction with any of the aforementioned processes. The Agent of Record is also authorized to accept or reject any conditions imposed by any reviewing board or entity. The Agent of Record has the authority to execute and file any and all necessary sets of plans, applications, or other required paperwork necessary in the zoning or permitting process for the above referenced site.

The authorized Agent(s) of Record is:

Law Office of Mattaniah S. Jahn, P.A.
Mattaniah S. Jahn, Esquire
935 Main Street, Suite C4
Safety Harbor, FL 34695
Phone: (727)773-2221
Fax: (727) 773-2616
Email: mjahn@thelawmpowered.com

[Signature]
Signature

Soledad Romero Briceno
Printed Name

5/10/2023
Date

[Signature]
Signature

Rogelio A. Briceno
Printed Name

5/10/2023
Date

STATE OF Georgia
COUNTY OF Habersham

The foregoing instrument was acknowledged before me this 10th day of May, 2023, by Soledad and Rogelio Briceno, who is personally known to me or who has produced Their Drivers license, as identification.

[Signature]
Notary Public
Flor Y. Arevalo
Printed Name of Notary

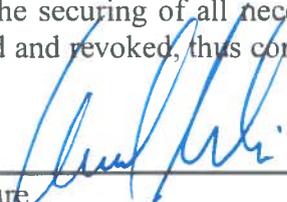


AGENT OF RECORD LETTER

I, Ariel Rubin, as Vice President of Tower Development of VB BTS II, LLC (“Vertical Bridge”) have the authority to execute this document. Vertical Bridge leases the property located in the City of Baldwin, Habersham County, Georgia; identified by Parcel # 093 010C; and hereby designate and appoint the Law Office of Mattaniah S. Jahn, P.A. and/or Mattaniah S. Jahn, Esquire, 935 Main Street., Suite C4, Safety Harbor, Florida 34695, Phone 727-773-2221, Facsimile 727-773-2616, Email mjahn@thelawmpowered.com; aabunada@thelawmpowered.com, as my Agent of Record for the purpose of any and all permitting, zoning, and/or land use applications, hearings, or processes in association with the development of a communication facility on the aforementioned property.

My Agent of Record is hereby vested with authority to make any representations, agreements, or promises which are necessary or desirable in conjunction with any of the aforementioned processes. My Agent of Record is also authorized to accept or reject any conditions imposed by any reviewing board or entity. My Agent of Record has the authority to execute documents relating to any of the above described processes on my behalf.

Upon the securing of all necessary/required permits for VB BTS II, LLC, this authorization is recalled and revoked, thus concluding my permission.



Signature

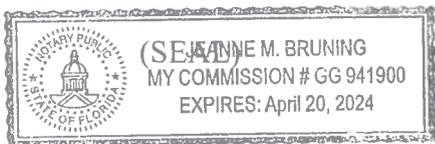
Printed Name **Ariel Rubin**
Vice President of Tower Development

Title

Date **04/25/2023**

STATE OF FLORIDA
COUNTY OF WEST PALM

The foregoing instrument was acknowledged before me this 25 day of April, 2023, by Ariel Rubin who is personally known to me or who has produced VP TOWER DEV as identification.





Notary Public
Seanne M. Bruning
Printed Name of Notary

(Above 3" Space for Recorder's Use Only)

Upon Recording Return to:

VB BTS II, LLC
750 Park of Commerce Drive, Suite 200
Boca Raton, Florida 33487
Attn: Daniel Marinberg, Esq.

Site Name: Willingham
Site Number: US-GA-5322
Commitment #: VTB-133878-C

MEMORANDUM OF LEASE

This Memorandum of Lease ("Memorandum") evidences a Lease Agreement (the "Lease") between **Rogelio A. Briceno and Soledad R. Briceno**, a married couple ("Landlord") whose address is 122 Perry Manor Drive, Baldwin, Georgia 30511, and **VB BTS II, LLC**, a Delaware limited liability company, whose mailing address is 750 Park of Commerce Drive, Suite 200, Boca Raton, Florida 33487 ("Tenant") dated the 28th day of Oct., 2022 (the "Effective Date") for a portion (the "Premises") of the real property (the "Property") described in Exhibit A attached hereto.

Landlord hereby ratifies, restates and confirms the Lease and leases to Tenant the Premises, subject to the terms and conditions of the Lease. The Commencement Date of the Lease is _____. The Lease provides for the lease by Landlord to Tenant of the Premises for an initial term of five (5) years with seven (7) renewal option(s) of an additional five (5) years each, and further provides:

1. Landlord will attorn to any mortgagee of Tenant, subordinate any Landlord's lien to the Lease and to liens of Tenant's mortgagees, and not disturb the tenancy of Tenant;
2. The Lease restricts Landlord's ability to utilize, or allow the utilization of the Property or real property owned by Landlord which is adjacent or contiguous to the Property for the construction, operation and/or maintenance of communications towers and related facilities;
3. Tenant (and persons deriving rights by, through, or under Tenant) are the sole parties to market, use, or sublease any portion of the Property for communications or broadcast facilities during the term of the Lease (such restriction shall run with the land and be binding on the successors and assigns of Landlord);

1.14.2021

23

VB Site ID: US-GA-5322
VB Site Name: Willingham

4. The Premises may be used exclusively by Tenant for all legal purposes, including without limitation, erecting, installing, operating and maintaining radio and communications towers, buildings, and equipment;

5. Tenant is entitled to sublease and/or license the Premises, including any communications tower located thereon;

6. Under certain circumstances, Tenant has a right of first refusal to acquire the Premises from Landlord;

7. Landlord may assign the Lease only in its entirety and only to a purchaser of the fee interest of the Property; and

8. Landlord may not subdivide the Property without Tenant's prior written consent.

This Memorandum is not intended to amend or modify and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Lease. In the event of a conflict between the provisions of this Memorandum and the provisions of the Lease, the provisions of the Lease shall control. The Lease shall be binding upon and inure to the benefit of Landlord and Tenant and shall inure to the benefit of their respective heirs, successors, and assigns, subject to the provisions of the Lease.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK, SIGNATURES
BEGIN ON NEXT PAGE

IN WITNESS WHEREOF, the parties hereto have executed this MEMORANDUM OF LEASE as of the date last signed by a party hereto.

WITNESSES:

LANDLORD:

Elizabeth Tinoco
Name: ELIZABET TINOCO

Ana F. Briceno
Name: ana briceno

Rogelio A. Briceno
Rogelio A. Briceno

Date: Sep. 27, 2022

Soledad R. Briceno
Soledad R. Briceno

Date: 9-27-2022

STATE OF Georgia

COUNTY OF Jackson

Signed, sealed, and delivered in the presence of:

Elizabeth Tinoco
Witness Print Name

Elizabeth Tinoco (Seal)
Witness Signature

Flor Y. Arevalo
Notary Public Print Name

Flor Y. Arevalo (Seal)
Notary Signature

(Seal) _____ (Seal)



(Tenant's Signature Page to Memorandum of Lease)

WITNESSES:

Name: Vanessa Orozco
Name: [Signature]

TENANT:

VB BTS II, LLC
a Delaware limited liability company

By: [Signature]
Name: Ariel Rubin
Title: Vice President of Tower Development
Date: 10-28-2022

LEGAL ^{DS} TC

STATE OF FLORIDA

COUNTY OF PALM BEACH

Signed, sealed, and delivered in the presence of:

Gaitree Kempadoo
Witness Print Name

Gaitree Kempadoo (Seal)
Witness Signature

Rachel Williamson
Notary Public Print Name

Rachel Williamson
Notary Signature

(Seal) Exp.: Oct. 17, 2026

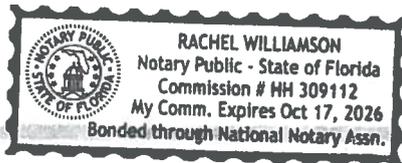


EXHIBIT A
(TO MEMORANDUM OF LEASE)

The Property

(may be updated by Tenant upon receipt of final legal description from title)

All that tract or parcel of land lying and being in Land Lots 185 and 186 of the 10th Land District City of Baldwin, Habersham County, Georgia, and being all of Lots 1, 2, 3, 4, 5 and 6 shown on a plat of survey recorded in Plat Book 59, Page 245, Habersham County, Georgia deed records. Reference to said plat and the description contained therein being incorporated herein by reference for a full and complete description thereof.

Subject to all easements, restrictions, reservations, set backs and rights of way of record or those delineated on the above referenced plat of survey, if any.

Subject to existing restrictions, easements and rights of way for public roads and highways and public utilities, if any, extending into, through, over, or across the above-described property.

Access and utilities serving the Premises (as defined in the Lease) includes all easements of record as well as that portion of the Property designated by Landlord and Tenant for Tenant (and Tenant's guests, agents, customers, lessees, sublessees and assigns) ingress, egress, and utility purposes to and from a public right-of-way.

Said interest being over land more particularly described by the following description:

Insert metes and bounds description of area



Zoning Justification

9AT3718A – Habersham County

11/2/2023

T-Mobile 9AT3718A

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

The intent of this letter is to confirm the necessity of T-Mobile installation of radio transceiver equipment on the proposed telecommunication tower and to provide supporting documentary evidence.

As part of the company's mandate to provide high quality service throughout the Atlanta market, the network density of wireless facilities must continue developing to meet the expectations of customers and communities alike, for both voice and data services.

The primary purpose for the installation of this facility is to improve in-vehicle coverage along US Hwy 441 and Willingham Avenue. The in-building residential coverage will also be improved for users to the surrounding areas. A coverage gap in this vicinity signifies an area where users may experience call connection or quality issues, especially in indoor locations and during busy hours.

Because of the proposed location for the new tower, the quality and strength of the T-Mobile signal will increase and provide a better user experience for customers and non-customers alike. In particular, inbuilding service levels in some of the aforementioned areas may be poor or non-existent. With the introduction of a new serving tower, these issues would essentially disappear. Signal and network access would improve, especially for being able to call 911 in buildings or in traffic in case of emergencies.

T-Mobile 9AT3718A

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

A tower and structure search was performed for any tower or structure 200ft or higher located within one (1) Mile radius of the search ring location. This search was completed utilizing Google Earth, the Antenna Structure Registration section of the FCC, and other tower data bases and confirmed that there is not a suitable antenna structure registered within a (1) Mile radius as indicated in the attached Google Earth Map view of the site (slide 5).

FCC tower database results (slide 4).

- Reg. No. 1224557 – Tower is to the north of the targeted area and would not meet the coverage objectives. (No Structure was found during the google earth search)
- Reg. No. 1224558 – Structure height would not provide sufficient reliable in-building coverage for a large area.
- Reg. No. 1275505 – Tower height is too low at 60 ft and inadequate for coverage needs. (No Structure was found during the google earth search)
- Reg. No. 1297506 – Tower height is too low at 60 ft and inadequate for coverage needs. (No Structure was found during the google earth search)

The proposed site is located in a rural area where smalls cells will not be sufficient to provide coverage for a large area.

The existing coverage map without 9AT3718A shows a large gap in in-building and in-vehicle coverage (slide 8).

The proposed location for site 9AT3718A would provide improved in-vehicle coverage along US Hwy 441 and in-building residential coverage for users in Baldwin, GA and surrounding

areas (slide 9).

T-Mobile 9AT3718A

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

FCC ASR DATABASE SEARCH RESULTS



Discarded Results

Matches 1-4 (of 4)

1
 Specified Search
 Latitude=34.29, 40.5 N, Longitude=-83.32, 3.1 W, Radius=1.6 Kilometers

ASR System List
 - Pending Applications

Registration Number	Status	File Number	Owner Name	Latitude/Longitude	Structure City/State	Overall Height Above Ground (AGL)
1224552	Constructed	40249155	Habersham County Schools	34-30-32.1N 083-31-38.8W	CORNELIA, GA	30.5
1224558	Constructed	40249156	Habersham County Schools	34-29-20.5N 083-32-24.7W	BALDWIN, GA	30.5
1225505	Constructed	A1209075	Norfolk Southern Railway Company	34-29-20.0N 083-32-54.0W	Baldwin, GA	19.2
1292506	Constructed	A1213986	Norfolk Southern Railway Company	34-29-20.8N 083-32-53.0W	Baldwin, GA	19.2

ASR Help
 ASR Online Systems
 About ASR
 Registration Search

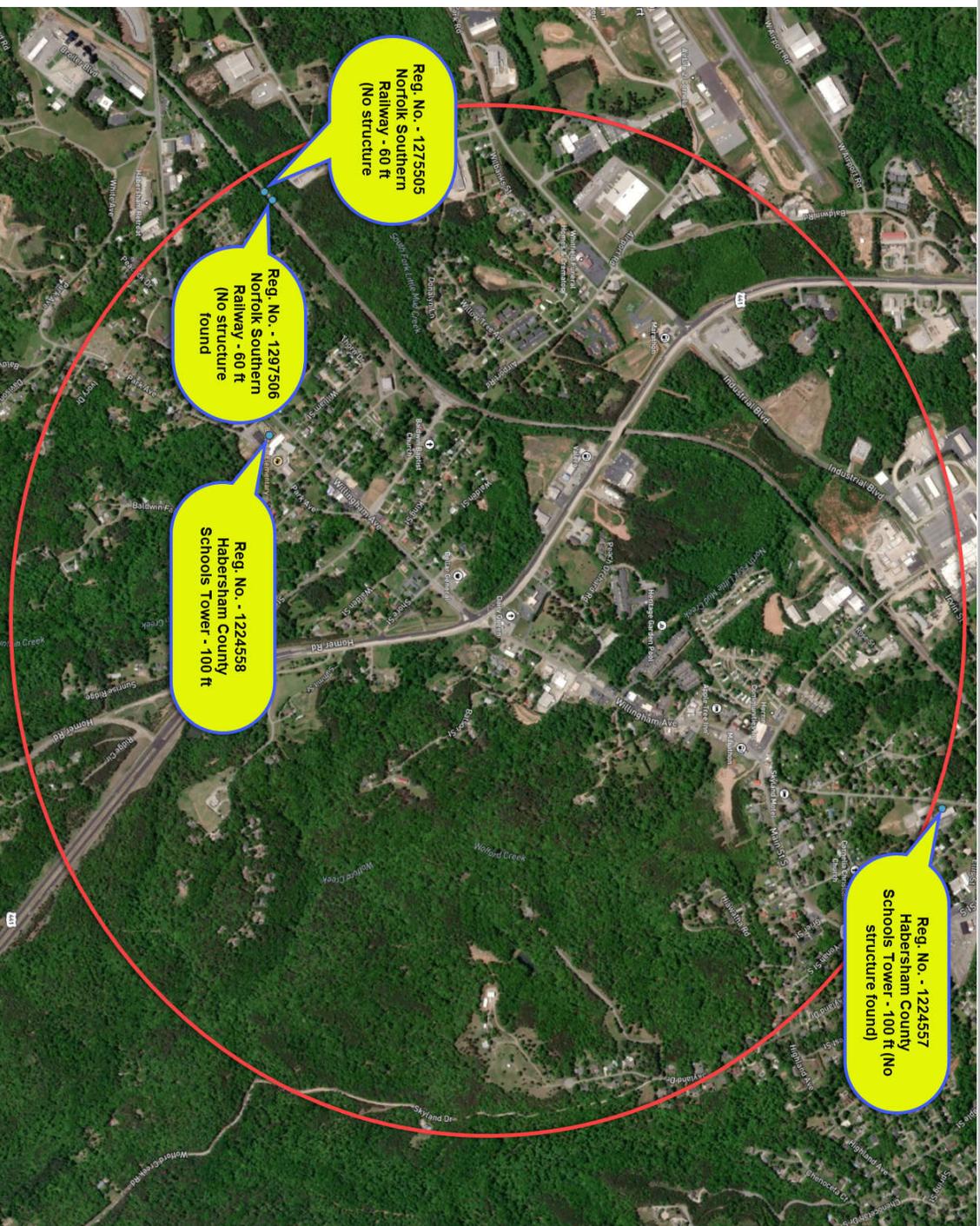
ASR License Database - ASR - Online Help - Documentation - Technical Support
 TOWER SITES - ASR Online Entry - Registration Search - Registration Search
 Privacy Statement - About ASR - ASR Home

Registration Number

The existing tower structures above are outside of the search ring and would not provide adequate coverage for US Hwy 441. The heights for these towers on this list are ≤ 100 ft and would not provide sufficient in-building coverage for the area.



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)

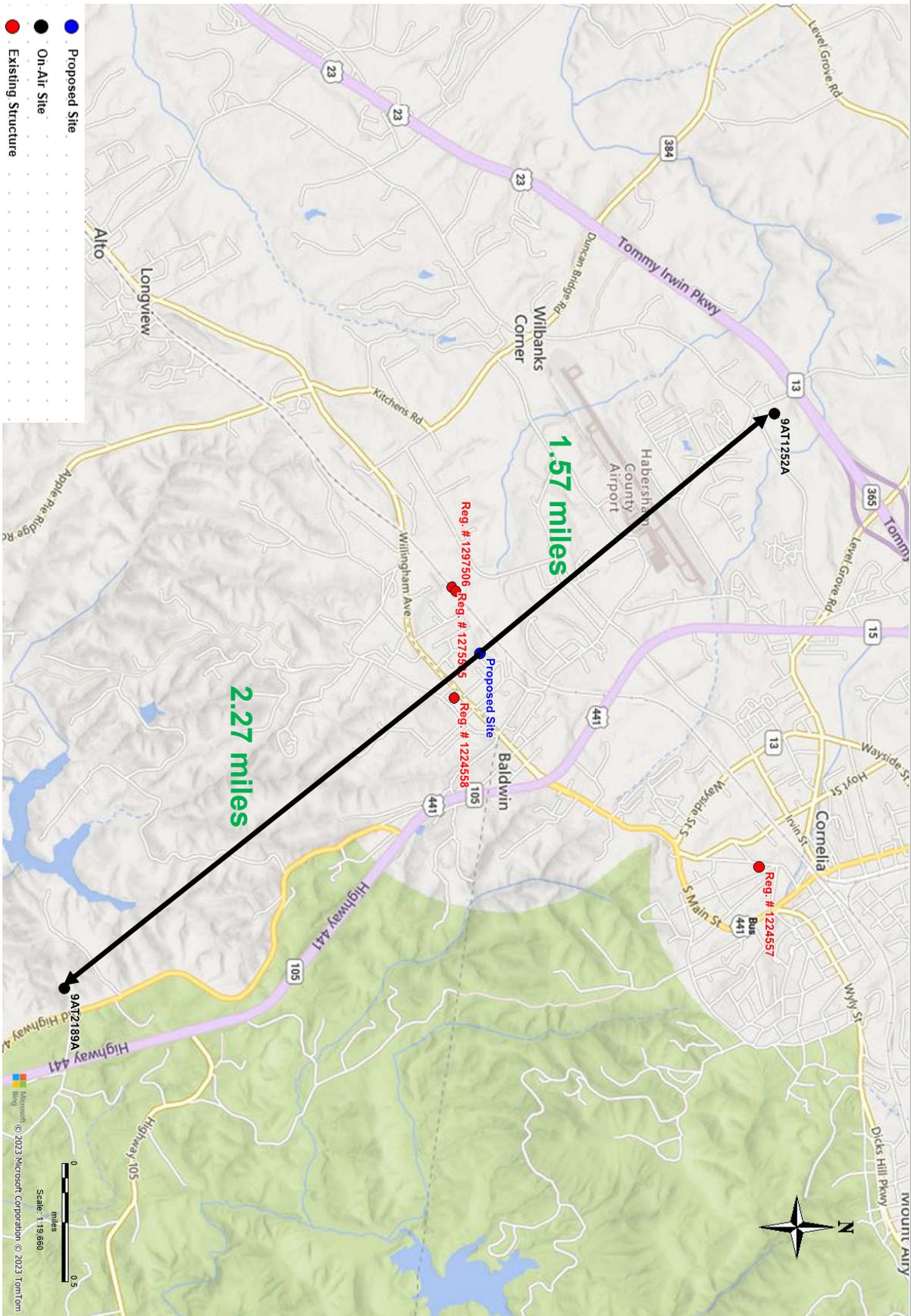
Surrounding T-Mobile Facilities

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
9AT1252A	ON-AIR	Structure Non Building	Self Support Tower	34.508469	-83.561172	3719 B.C. Grant Road	Cornelia	GA	30531	Habersham	250	Crown Castle
9AT2189A	ON-AIR	Structure Non Building	Self Support Tower	34.465316	-83.518746	6017 Hwy 441 N (E911)	Baldwin	GA	30511	Banks	265	Crown Castle
9AT4243A	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

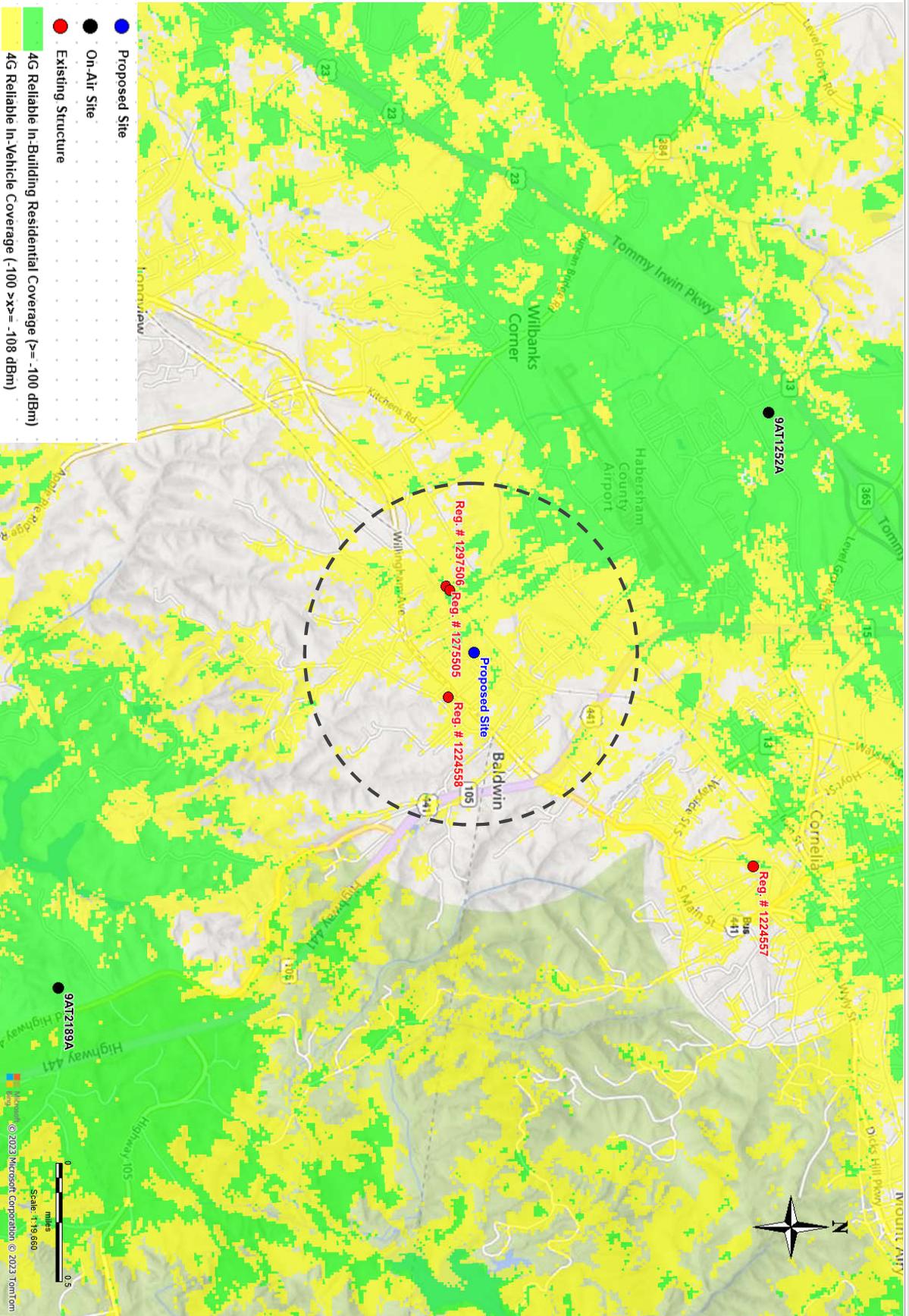


This map shows the distance of the 2 closest sites in the area.

T-Mobile 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)

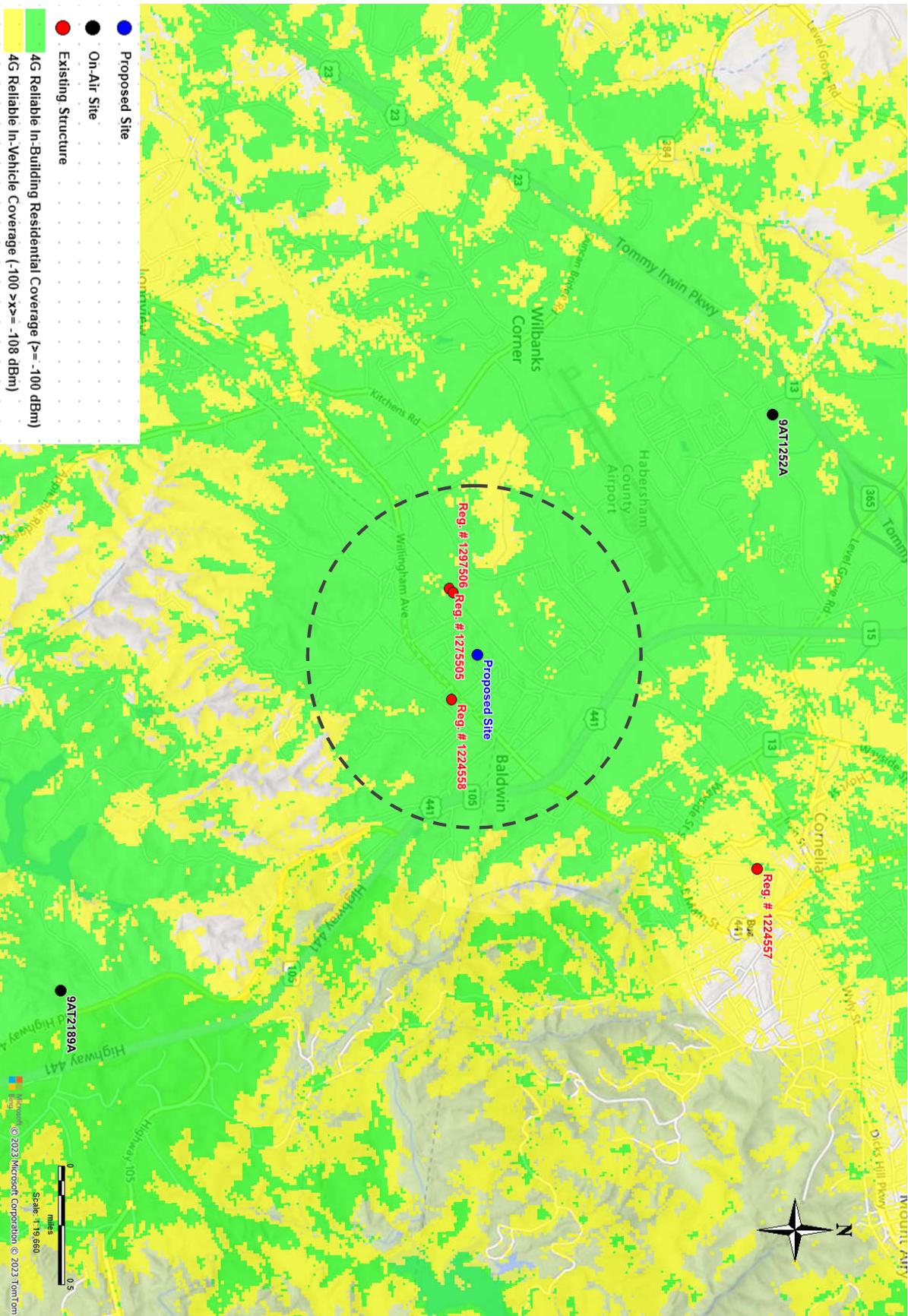


This plot shows a large gap in in-building and in-vehicle coverage

T-Mobile 9AT3718A

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

4G Voice Service with the Proposed Site @ 230' 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.

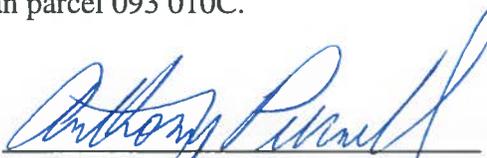
Thank You

CITY OF BALDWIN
RF ENGINEER AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Anthony Purnell, who being by me first duly sworn, under oath, deposes and states as follows:

1. I am over eighteen (18) years of age and have personal knowledge of the matters contained herein.
2. I am the RF Engineer for T-Mobile South, LLC ("T-Mobile") assigned to the Telecommunication Tower mentioned in this Affidavit and have personal knowledge of the facts contained herein.
3. It is the intent of T-Mobile to collocate upon a Telecommunication Tower on parcel 093 010C in the City of Baldwin, Habersham County, Georgia (the Willingham Project), currently proposed by VB BTS II, LLC (Vertical Bridge).
4. I reviewed T-Mobile's systems and records available to RF Engineers during the ordinary course of designing and evaluating telecommunication tower projects for T-Mobile's cellular network. To the best of my knowledge:
 - a. No communication towers of adequate height exist within T-Mobile's RF search area for the Willingham Project,
 - b. There are no existing structures of adequate height within T-Mobile's RF search area for the Willingham Project that are capable of holding T-Mobile's proposed antennas and radio equipment, and
 - c. There are no parcels of land, owned by the City of Baldwin, within T-Mobile's search area, that are larger than parcel 093 010C.

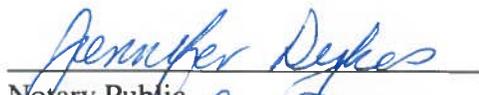
AFFIANT FURTHER SAYETH NAUGHT


Anthony Purnell, as assigned RF Engineer
T-Mobile South, LLC

STATE OF Georgia
COUNTY OF Forsyth

The foregoing instrument was acknowledged before me this 2 day of November, 2023, by Anthony Purnell who is personally known to me or who has produced RF Engineer as identification and who did take an oath.

Jennifer Dykes
NOTARY PUBLIC
Forsyth County, GEORGIA
My Commission Expires 08/09/2025


Notary Public
Jennifer Dykes
Printed Name of Notary



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)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, a med-dual system-Chapters 4,8(M-Dual),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 03/12/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 12, 2023. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager of the Rules and Regulations Group via e-mail at OEPetitions@faa.gov, via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW, Washington, DC 20591, or via facsimile (202) 267-9328. FAA encourages the use of email to ensure timely processing.

This determination becomes final on October 22, 2023 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed

structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Kelly Nelson, at (404) 305-6430, or kelly.r.nelson@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-ASO-33732-OE.

Signature Control No: 551106324-599054973

(DNH)

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Frequency Data

Map(s)

cc: FCC

Additional information for ASN 2022-ASO-33732-OE

A full list of acronyms and abbreviations is available at the FAA's public website at https://oeaaa.faa.gov/oeaaa/downloads/external/content/FAA_Acronyms.pdf.

The proposed antenna tower, at a height of 250 feet (ft.) above ground level (AGL) / 1752 ft. above mean sea level (AMSL), would be located .86 nautical miles (NM) southeast of the Habersham County (AJR), airport reference point (ARP), Cornelia, GA.

The proposal has been identified as an obstruction under the standards of Title 14, Code of Federal Regulations (CFR), Part 77, as applied to AJR as follows:

Section 77.17 (a)(2): A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet. The proposal would exceed by 50 ft.

Section 77.19 (a): Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The proposal exceeds the Horizontal Surface by 155 ft.

The proposal exceeds the Horizontal surface of the VFR TPA at AJR by 155 ft.

In order to facilitate the public comment process, the study was circularized, on July 31st, 2023, to all known aviation interests and to non-aeronautical interests that may be affected by the proposal. No objections were received as a result of the circularization.

Aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival, departure, or en route instrument flight rules (IFR) procedures at AJR or on any other known public-use or military airports.

Study for possible VFR effect disclosed that, the proposal would exceed 77.17 (a) (2) and the Horizontal Surface, as noted above, but the structure would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposal would not conflict with any airspace required to conduct normal VFR traffic pattern and/or visual approach operations at AJR or at any other public-use, joint-use, or military airport. The proposal would not require a VFR aircraft to change its regular flight course or altitude, restrict VFR operations in any way, or create a dangerous situation during a critical phase of flight while operating under VFR conditions. At 250 ft. AMSL, the proposed structure would not have a substantial adverse effect on VFR en route flight operations.

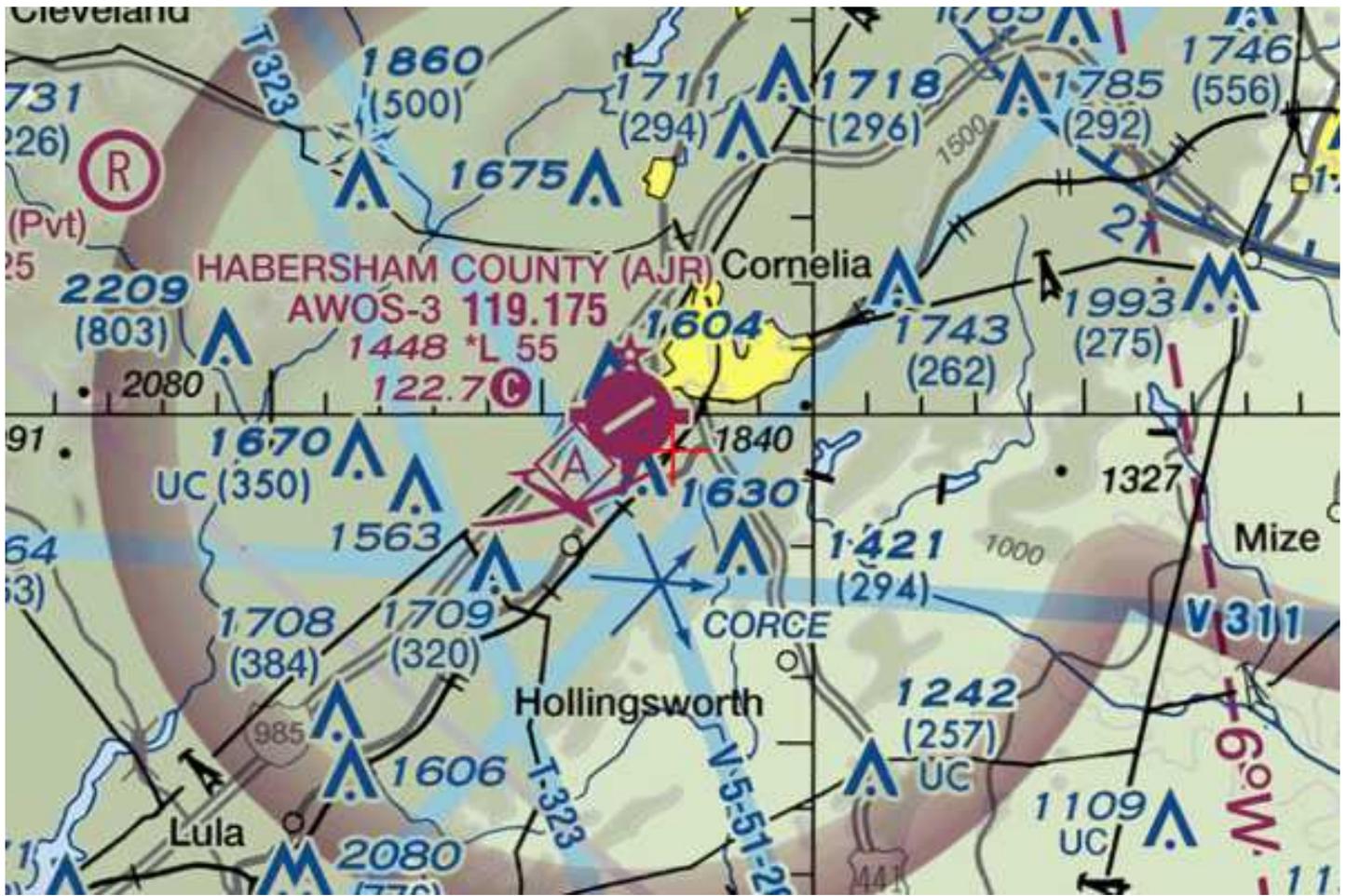
The proposed structure should be appropriately marked/lighted with a Dual Red Medium Intensity system to make it more conspicuous to airmen, should circumnavigation be necessary.

The cumulative impact of the proposed structure, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any adverse effects on existing or proposed public-use or military airports or navigational facilities, nor does the proposal affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposed structure would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation as long as all conditions written within this determination are met.

Frequency Data for ASN 2022-ASO-33732-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W



PARENT PARCEL (PER TITLE REPORT)

Lots 3, 4 and 5 as shown on a plat of survey recorded in Plat Book 59, Page 245, Habersham County, Georgia deed records.

Subject to all easements, restrictions, reservations, set backs and rights of way of record or those delineated on the above referenced plat of survey, if any.

Subject to existing restrictions, easements and rights of way for public roads and highways and public utilities, if any, extending into, through, over, or across the above-described property.

Parcel No's. 093 010C (Tower); 093 010D (Access) & 093 010E (Access)

This being a portion of the property conveyed to Rogelio A. Briceño and Soledad R. Briceño, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple from Marshall Glen Nix and Donna Nix in deed dated May 20, 2021 and recorded May 21, 2021 in Book 1262 Page 878.

LEASE AREA

All that tract or parcel of land lying and being in Land Lot 185 of the 10th District, Habersham County, Georgia, and being more particularly described as follows:

To find the Point of Beginning, COMMENCE at a point located at the northerly corner at the end of the northerly right of way of Traditions Drive, said point being 600.5 feet, more or less, as measured along said right of way from the intersection of said right of way with the northwesterly right of way of U.S. Highway 23 (aka Willingham Avenue);

Thence running along the northwesterly end of the right of way of Traditions Drive, South 44°45'00" West, 15.00 feet to a point;

Thence leaving said right of way and running, North 45°15'58" West, 89.10 feet to a point;

Thence, North 45°15'58" West, 15.22 feet to a point;

Thence, North 45°07'17" West, 47.88 feet to a point;

Thence, 48.89 feet along a curve to the left, having a radius of 100.00 feet and being scribed by a chord bearing North 59°07'40" West, 48.41 feet to a point;

Thence, North 73°08'03" West, 66.18 feet to a point;

Thence, North 73°08'03" West, 16.00 feet to a point;

Thence, South 16°51'57" West, 40.00 feet to a point and the true POINT OF BEGINNING;

Thence running, North 73°08'03" West, 80.00 feet to a point;

Thence, North 16°51'57" East, 80.00 feet to a point;

Thence, South 73°08'03" East, 80.00 feet to a point;

Thence, South 16°51'57" West, 80.00 feet to a point and the true POINT OF BEGINNING.

Said tract contains 0.1469 acres (6,400 square feet), more or less.

30' INGRESS-EGRESS AND UTILITY/FIBER EASEMENT

Together with a 30' Ingress-Egress & Utility/Fiber Easement lying and being in Land Lot 185 of the 10th District, Habersham County, Georgia, and being more particularly described by the following centerline data:

To find the Point of Beginning, COMMENCE at a point located at the northerly corner at the end of the northerly right of way of Traditions Drive, said point being 600.5 feet, more or less, as measured along said right of way from the intersection of said right of way with the northwesterly right of way of U.S. Highway 23 (aka Willingham Avenue);

Thence running along the northwesterly end of the right of way of Traditions Drive, South 44°45'00" West, 15.00 feet to a point and the true POINT OF BEGINNING;

Thence leaving said right of way and running, North 45°15'58" West, 89.10 feet to a point;

Thence, North 45°15'58" West, 15.22 feet to a point;

Thence, North 45°07'17" West, 47.88 feet to a point;

Thence, 48.89 feet along a curve to the left, having a radius of 100.00 feet and being scribed by a chord bearing North 59°07'40" West, 48.41 feet to a point;

Thence, North 73°08'03" West, 66.18 feet to a point;

Thence, North 73°08'03" West, 16.00 feet to the ENDING at a point.

TITLE EXCEPTIONS

Auro Solutions, LLC d/b/a Tower Title & Closing
Commitment: VTB-133878-C
Commitment Date: June 10, 2022

10. Any and all matters disclosed on the map entitled "Survey for Ronald White & Janice White" dated November 6, 1985 and recorded November 13, 1985 in (book) 21 (page) 87, in Habersham County, Georgia.
[SEE REFERENCED PLAT]

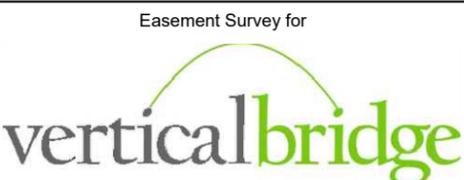
11. Any and all matters disclosed on the map entitled "Map Prepared for Ronald White and Janice White" dated April 21, 1988 and recorded April 29, 1988 in (book) 25 (page) 180, in Habersham County, Georgia.
[SEE REFERENCED PLAT]

12. Any and all matters disclosed on the map entitled "Map Prepared for Virgil Duane Stephenson and Leslie R. Stephenson" dated June 5, 2006 and recorded March 30, 2007 in (book) 59 (page) 245, in Habersham County, Georgia.
[SEE REFERENCED PLAT]

DATE:	RELEASE DESCRIPTION
09-21-2022	address client comments
09-23-2022	add US to site number
11-02-2022	revised surveyor notes on sheet 1



civilsurvey, inc.
116 Maddox Road
Griffin, Georgia 30224
404.925.8774



VB BTS II, LLC
750 Park of Commerce Drive, Suite 200
Boca Raton, Florida 33487



Easement Survey for	
Date:	26 August 2022
Land Lot:	185
Land District:	10th
Land Section:	N/A
City:	Baldwin
County:	Habersham
State:	Georgia
csi Project Number:	2022.181
"Willingham"	
US-GA-5322	



City of Baldwin Building and Zoning Department

P. O. Box 247
186 Hwy 441 Bypass, Baldwin, GA 30511

Staff Recommendations

Date: January 26, 2024

Ordinance NO.:

Location: Map & Parcels 093 010C, 093 010D, and 093 010E (collectively, “Parent Parcel”)

Applicant: Vertical Bridge BTS II

Owner: Rogelio & Soledad Briceno; Agent of Record Mattaniah Jahn

Total Area: 1.72 acres

Current Zoning: Residential Single Family (R-1)

Request: Special Use Permit and Zoning Variance

Proposal: “Vertical Bridge respectfully requests a Special Use and Variance approval to allow a 250’ AGL self-support lattice style communication tower (‘Lattice’) and support facility upon the Parent Parcel. The Lattice will be able to support T-Mobile’s equipment and 2 additional carriers for a total of 3 colocations and will be placed in a wooded portion of the undeveloped 1.72 AC. parent parcel. The parcel’s current zoning is R-1 Single Family District. Vertical Bridge additionally respectfully requests a Variance for height.”

Water and Sewer: No concerns from this department.

Public Works: Possible conflict with sewer easement at Traditions Drive (listed as Presley Street on plans).

Police: No concerns, other than if the structure and equipment present any future issues that could negatively impact citizens.

Fire: No concerns from this department.

Summary Recommendations: With regard to the request for a special use permit to allow a telecommunication tower in the R-1 Zoning District the city staff recommend denial of the application for the following reasons:

Requires a Special Use Permit and a Variance

1. Telecommunication Towers are not allowed in R-1 by Special Use Permit in accordance with Section 904 and this does not meet the requirements.



City of Baldwin
Building and Zoning Department
P. O. Box 247
186 Hwy 441 Bypass, Baldwin, GA 30511

- Any tower type is prohibited by the ordinance.
- 2. This also requires a variance to accommodate the height of the tower of 250ft.
(other residential districts maximum height is 165ft)

FIRST READING: 01/29/2024

PUBLISHED: 01/17/2024

ZONING HEARING: 02/6/2024

PASSED: _____

AN ORDINANCE NO. 2024-01136Z

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BALDWIN, GEORGIA, BY GRANTING A SPECIAL USE PERMIT TO ALLOW A 250' AGL SELF-SUPPORT LATTICE STYLE COMMUNICATION TOWER AND RELATED FACILITIES TO ALL THAT TRACT(S) OR PARCEL(S) OF LAND OWNED BY ROGELIO AND SOLEDAD BRICENO AND LEASED TO VERTICAL BRIDGE BTS II, LLC., AND BEING MAP AND PARCELS 093 010C, 090 010D, AND 090 010E IN HABERSHAM COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED ON A JUNE 5, 2006 PLAT AND PREPARED BY LOVELL, DUVALL, MILLER & ASSOCIATES, INC. AND BEING RECORDED AT PLAT BOOK 59, PAGE 245 OF THE HABERSHAM COUNTY DEED RECORDS WHICH IS ATTACHED HERETO AND, WHICH IS INCORPORATED BY REFERENCE INTO THIS ORDINANCE, AND CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY DISTRICT (R1); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of Baldwin, Georgia as follows:

Section 1. ZONING IMPOSED WITH CONDITIONS.

That from and after the passage of this ordinance the following described lands located within the City of Baldwin shall be zoned and so designated on the zoning map of the City of Baldwin as Residential Single Family District (R-1) with the following Special Use Permit:

Conditional Use Allowed:

- (1) Telecommunications Tower.
- (2) Support facility.

36 Conditions:

37 NONE.

38

39 Legal Description:

40 All that tract or parcel of land lying and being in Land Lots 185 and 186 of the 10th Land
41 District City of Baldwin, Habersham County, Georgia, and being all of Lots 1, 2, 3, 4, 5, and 6
42 shown on a plat of survey recorded in Plat Book 59, Page 245, Habersham County, Georgia
43 records and which is attached hereto, and incorporated by reference hereof, into this legal
44 description.

45 **Section 2. REPEAL OF CONFLICTING ORDINANCES.**

46 All ordinances and parts of ordinances in conflict herewith are hereby repealed to the
47 extent of the conflict.

48

49 **Section 3. SEVERABILITY OF PARAGRAPHS.**

50 If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or
51 unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that
52 other parts are wholly and necessarily dependent upon the part held to be invalid or
53 unconstitutional.

54 **Section 4. AMENDMENT TO THE ZONING MAP.**

55 This ordinance is enacted as an amendment to the zoning map of the City of Baldwin.

56 **Section 5. EFFECTIVE DATE.**

57 The effective date of the zoning conditional use imposed by this ordinance shall be on the

58 date the zoning conditional use is approved by the City of Baldwin, by and through its City
59 Council.

60 **SO ORDAINED** this 12th day of February 2024.

61 **BALDWIN CITY COUNCIL**

62
63 By:

64 _____
65 Mayor Stephanie Almagno

66
67 _____
68 Council Member Erik Keith

69
70 _____
71 Council Member Joseph Satterfield

72
73 Attest:

74 _____
75 Council Member Kerri Davis

76
77 _____
78 Council Member Maarten Venter

79
80 _____
81 Council Member Alice Venter

82 _____
83 Erin Gathercoal
City Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

FIRST READING: 01/29/2024

PUBLISHED: 01/17/2024

ZONING HEARING: 02/6/2024

PASSED: _____

AN ORDINANCE NO. 2024-01137Z

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BALDWIN, GEORGIA, BY GRANTING VARIANCES TO TRACTS OR PARCELS OF LAND WITHIN THE CITY OF BALDWIN, GEORGIA, AND OWNED BY ROGELIO AND SOLEDAD BRICENO AND LEASED TO VERTICAL BRIDGE BTS II, LLC., AND BEING MAP AND PARCELS 093 010C, 090 010D, AND 090 010E OF HABERSHAM COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON PLATS, WHICH ARE ATTACHED HERETO AND, WHICH ARE INCORPORATED BY REFERENCE INTO THIS ORDINANCE, AND PROVIDING THAT THE ZONING CLASSIFICATION UPON SAID PROPERTY SHALL BE SUBJECT TO CERTAIN VARIANCES; REPEALING CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of Baldwin, Georgia as follows:

Section 1. VARIANCE ALLOWED.

(a) That from and after passage of this ordinance, the following described lands within the City of Baldwin shall be entitled to the variances, as hereafter specifically described within this ordinance, and shall be so designated on the zoning map of the City of Baldwin as having said variance regarding the property.

(b) The following variance is hereby granted to said property, after the City Council has considered the factors for the grant of the variance pursuant to the zoning ordinance of the City of Baldwin, Georgia, and the Minimum Development Standards 2020, and the City Council

37 having found that said factors have been met:

38 (1) An increase in height of a self-support lattice style communication tower from
39 125 feet to 250 feet, per Section 9.5 of the City of Baldwin 2006 Zoning Ordinance;

40 (2) A decrease in setback distance from residential properties, per Section 9.6,
41 subsection (a) of the City of Baldwin 2006 Zoning Ordinance, and

42 (2) In conjunction with the approval of a Special Use Permit by the Baldwin City
43 Council.

44 (c) The legal description for the subject property that has been granted a variance or
45 variances pursuant to this ordinance as follows:

46 All that tract or parcel of land lying and being in Land Lots 185 and 186 of the 10th Land
47 District City of Baldwin, Habersham County, Georgia, and being all of Lots 1, 2, 3, 4, 5, and 6
48 shown on a plat of survey recorded in Plat Book 59, Page 245, Habersham County, Georgia
49 records and which is attached hereto, and incorporated by reference hereof, into this legal
50 description.

51 **Section 2. REPEAL OF CONFLICTING ORDINANCES.**

52 All ordinances and parts of ordinances in conflict herewith are hereby repealed to the
53 extent of the conflict.

54 **Section 3. SEVERABILITY OF PARAGRAPHS.**

55 If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or
56 unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that
57 other parts are wholly and necessarily dependent upon the part held to be invalid or
58 unconstitutional.

59 **Section 4. AMENDMENT TO THE ZONING MAP.**

60 This ordinance is enacted as an amendment to the zoning map of the City of Baldwin.

61 **Section 5. EFFECTIVE DATE.**

62 The effective date of the variances imposed by this ordinance shall be on the date the
63 ordinance is approved by the City of Baldwin, by and through its City Council.

64

65

66 **SO ORDAINED** this 12th day of February 2024.

BALDWIN CITY COUNCIL

By:

Mayor Stephanie Almagno

Council Member Erik Keith

Council Member Joseph Satterfield

Council Member Kerri Davis

Council Member Maarten Venter

Council Member Alice Venter

Attest:

Erin Gathercoal
City Clerk

67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90



City of Baldwin Work Session / Council Meeting Agenda Request Form

Name: DOUGLAS W. McDONALD, SR. Email Address: doug@McDonalcdady.com
Address: P.O. BOX 396 Phone: 706-499-8929
CORNELIA, GA 30531

Business / Organization (if applicable):

Speaker Name: DOUGLAS W. Mc DONALD, SR.
Topic of Discussion: GENERAL WELFARE OF CITIZENS OF BALDWIN
IN REFERENCE TO VERTICAL BRIDGE SUP AND VARIANCE REQUEST.

Handouts: No Yes (Please provide 10 copies two days prior to appointed meeting)

***Once your request has been submitted it will be reviewed and if approved you will be placed on a future agenda for either a work session or council meeting. Please stay on topic and you are allotted **5 minutes to speak.**

Douglas W. McDonald, Sr. 01.26.2024
Signature Date:
DOUGLAS W. McDONALD, SR.
Print Name

FOR CITY USE ONLY

Approved for Work Session on _____, 20____.
 Approved for Council Meeting on JANUARY 29th, 2024.
 Denied (Not a Valid Topic or Item for Council)

***Please arrive at least ten minutes prior to the above scheduled Work Session / Council Meeting. All meetings begin at 6:30 pm, Baldwin Courtroom, Baldwin Police Department, 155 Willingham Ave. Baldwin Ga, 30511.

[Signature] 1/26/24
Erin Gathercoal, City Clerk Date

City of Baldwin
PO Box 247
Baldwin, Ga 30511