

ORDINANCE NO. 4097

AN ORDINANCE DENYING A CONDITIONAL USE PERMIT FOR INSTALLATION OF A COMMUNICATIONS TOWER AT 1106 S. SECOND STREET.

WHEREAS, on July 8, 2022, Patrick Erwin, authorized agent for Tillman Infrastructure, LLC, submitted an application for a conditional use permit for the placement of a communications tower on property commonly known as 1106 S. Second Street; and

WHEREAS, the Clinton Planning Commission conducted a public hearing on September 12, 2022, regarding the application;

WHEREAS, on September 12, 2022, the Clinton Planning Commission voted to deny the application for the following reasons:

- a. The extreme height of the tower would have a negative impact on the neighborhood.
- b. The engineer's report failed to adequately address Sec. 36-372(b) of the City of Clinton Code of Ordinances.

and;

WHEREAS, on October 3, 2022, the Planning Commission approved PC Resolution No. 01-22 (attached), by a vote of 5 Yeas, 0 Nays, 4 Abstentions, ___ Absent, to formally deny the application;

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF CLINTON, MISSOURI AS FOLLOWS:

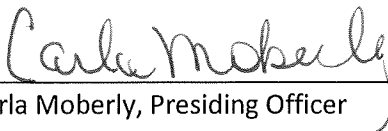
Section 1. The application by Tillman Infrastructure, LLC, for a conditional use permit to place a communications tower on property known as 1106 S. Second Street is denied for the following reasons:

- a. The extreme height of the tower would have a negative impact on the neighborhood.
- b. The engineer's report failed to adequately address Sec. 36-372(b) of the City of Clinton Code of Ordinances.

Section 2. Evidence supporting the decision is attached as Exhibit A.

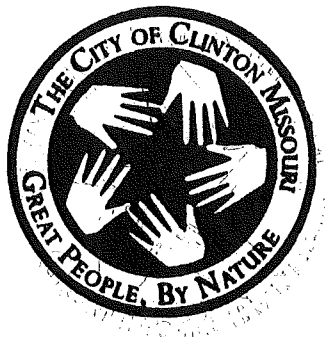
Read the first time this 4th day of October 2022.

Read a second time and passed this 4th day of October 2022.



Carla Moberly, Presiding Officer

ATTEST:

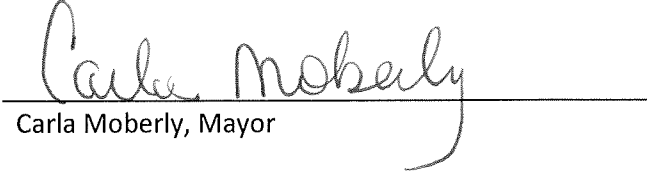


Ayes 5: Cameron Jackson, Carla Moberly, Rick Pereles,
Debbie Smith and Daniel Wilson
Nay 0:
Absent 3: Gene Henry, Roger House and Becky Raysik

Bill No. 2022-19

Handwritten signature of Wendee Seaton in cursive script, written over a horizontal line.

Wendee Seaton, City Clerk

Handwritten signature of Carla Moberly in cursive script, written over a horizontal line.

Carla Moberly, Mayor

PC RESOLUTION NO. 01-2022

A RESOLUTION OF THE CITY OF CLINTON PLANNING COMMISSION REGARDING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR PLACEMENT OF A COMMUNICATIONS TOWER.

WHEREAS, on July 8, 2022, Patrick Erwin, authorized agent for Tillman Infrastructure, LLC, submitted an application for a conditional use permit for the placement of a communications tower on property commonly known as 1106 S. Second Street; and

WHEREAS, the Clinton Planning Commission conducted a public hearing on September 12, 2022, regarding the application;

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CLINTON PLANNING COMMISSION AS FOLLOWS:


Section 1. The application by Tillman Infrastructure, LLC, for a conditional use permit to place a communications tower on property known as 1106 S. Second Street is denied for the following reasons:

- a. The extreme height of the tower would have a negative impact on the neighborhood.
- b. The engineer's report failed to adequately address Sec. 36-372(b) of the City of Clinton Code of Ordinances.

Section 2. Evidence supporting the decision is attached as Exhibit A.

Section 3. The Planning Commission Chair is hereby authorized to execute said resolution on behalf of the Clinton Planning Commission.

Read and passed this 3rd day of October, 2022.



Troy Bohannan
Acting Planning Commission Chair

ATTEST



Cheri Wilson
Planning Commission Secretary



MINUTES

Clinton Planning Commission Meeting
City Hall – 105 E. Ohio Street
Monday, October 3, 2022 • 6:00 p.m.

The City of Clinton Planning Commission met at 6:00 p.m. on Monday, October 3, 2022, at City Hall, 105 East Ohio Street, Clinton, MO.

1. Galen Dody made a motion for Troy Bohannon to serve as Acting Chair, due to the absence of Chair Don Turner. Howard Bullock seconded the motion. 5 Ayes; 0 Nays; 4 Absent.

2. **Call to Order:** Troy Bohannon called the meeting to order at 6:00 p.m.

3. **Roll Call:**

Commission Members Present: Troy Bohannon, Chris Walker, Blayne Paxton, Howard Bullock, Galen Dody

Commission Members Absent: Christian DeLozier, Neil Crayden, Don Turner and Barbara Mosley

Staff Present: City Administrator Christy Maggi, Community Development Director Chuck Bailey, Secretary Cheri Wilson, City Attorney Adam Sommer.

4. **Approval of Agenda:** Howard Bullock made a motion to approve the agenda of the October 3, 2022 meeting. Chris Walker seconded the motion. 5 Ayes; 0 Nays; 4 Absent.

5. **Approval of Minutes:** Chris Walker made a motion to approve the minutes of the September 19, 2022, meetings. Howard Bullock seconded the motion. 5 Ayes; 0 Nays; 4 Absent.

6. **Unfinished Business:**

Acting Chair Troy Bohannon invited concerned parties to make statements.

- Patrick Erwin, authorized agent for Tillman Infrastructure, LLC, stated that after hearing the concerns of the Commission at the September 19, 2022 meeting, a new location on the original parcel is being presented for consideration. Mr. Erwin explained the process for selecting the new proposed site.
- Hurley Mahan, attorney representing property owners Mel and Jan Stanford, 406 E. Bodine, spoke on behalf of his clients. While his clients would prefer that the tower not be constructed on the Clinton School District property, they find the new location to be more acceptable than the initial proposed site.



- John Taylor, attorney representing Tillman Infrastructure, informed the Commission of state and federal regulations regarding the location and construction of communication towers.

Commission members asked questions of those who made statements.

a. PC RESOLUTION NO. 01-2022:

A RESOLUTION OF THE CITY OF CLINTON PLANNING COMMISSION REGARDING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR PLACEMENT OF A COMMUNICATIONS TOWER.

Howard Bullock made a motion to deny PC Resolution No. 01-2022. Chris Walker seconded the motion. Roll call vote was taken: 5 Ayes (Bohannan, Walker, Paxton, Bullock, Dody) and 0 Nays and 4 Absent (DeLozier, Crayden, Turner, Mosley). PC Resolution No. 01-2022 was denied.

b. PC RESOLUTION NO. 02-2022:

A RESOLUTION OF THE CITY OF CLINTON PLANNING COMMISSION REGARDING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR PLACEMENT OF A COMMUNICATIONS TOWER.

Chris Walker made a motion to approve PC Resolution No. 02-2022. Howard Bullock seconded the motion. Roll call vote was taken: 4 Ayes (Bohannan, Walker, Bullock, Dody), 1 Nay (Paxton) and 4 Absent (DeLozier, Crayden, Turner, Mosley).

7. **Adjourn:** With no other business to discuss, Howard Bullock made a motion to adjourn. Galen Dody seconded the motion. 5 Ayes; 0 Nays; 4 Absent. The meeting was adjourned at 6:45 p.m.