

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:45 P. M., APRIL 30, 2019

A/V CONFERENCE ROOM

Jeanine Faegre, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:45p.m., APRIL 30, 2019, in the Audio/Visual Room in City Hall.

Committee Members Present:

Jeanine Faegre, Chair
Bobby Haas, Vice Chair
Caitlin Cook
Chuck Overstreet
Keeley Steele
Tiffany Wesley-Plear

Others:

Kevin Baker
Tony Harmon
Dan Vriendt
Mayor Goodwin
Chris Knox
Sam Minardi

1. Approval of Previous Minutes – Councilmember Faegre requested that the Minutes be changed to reflect the proper date of the previous meeting which was April 10, 2019. Councilmember Overstreet motioned to approve the amended minutes. There was no objection and the minutes were approved as amended.
2. Bill No. 7816 Committee Substitute– A BILL to amend the Code of the City of Charleston, by adding thereto new sections within Chapter 102, Article V, designated Sections 102-200, 102-201, 102-202, 102-203, 102-204, 102-205, 102-206, 102-207, 102-208, 102-209, and 102-210; and to amend and reenact sections 102-212, 102-213, and 102-215 of said code, all relating to implementing the West Virginia Small Wireless Facilities Deployment Act; detailing the purpose, application requirements, associated fees, zoning applicability, design requirements, and application process; authorizing the Planning Director and Building Commissioner to implement certain guidelines and rules; providing processing deadlines and right-of-way requirements; and updating related sections of code to conform.

Councilmember Faegre asked Kevin Baker to give the committee details about the bill. He explained that during the most recent Regular Session of Legislature, a bill was passed that created the Small Wireless Facilities Deployment Act. This will enable the City to maintain consistent design requirements and collect authorized fees. Small Wireless Facilities are equipment that attach to a fixed location and enable wireless communication with the goal of increasing the speed and coverage of networks. Kevin Baker added that ATT&T has been communicating with the City about installing such

facilities in about 30 different locations in the coming year.

Councilmember Overstreet confirmed that the bill requires that the City give companies reasonable access to the locations, with the City being able to require a permit and fee. The proposed bill sets the fees to the maximum allowed amounts. Additionally, the bill delegates aesthetic rules to the Planning Director and delegate's authority to create and process the permit to the City Engineer. Also of note, the bill requires applications to be processed within 60 days. If the company wishes to replace their devices with smaller technology after installation, they may do so without an additional permit, but they will still be required to pay the same annual fee. The bill does not require franchise agreements, but the City will be encouraging them.

The proposed Committee Substitute makes 4 minor changes to the introduced bill to conform to state law. This includes updating language regarding liability, clarifying the process for areas that have been designated solely for underground communications, adding language to ensure the Planning Director's design guidelines are consistent with state law and changing language to address the spacing requirements that are permitted under state law with respect to poles.

Councilmember Overstreet asked if anyone had seen these devices. Kevin Baker answered he has seen pictures that are wide ranging in design, but they are mostly unobtrusive. He also added these companies will still need to work out an agreement with AEP over how their electricity usage is measured. Councilmember Wesley-Plear asked if the City had a choice in regard to the visual design of the facilities. Kevin Baker explained that the bill authorizes the Planning Director to create rules that would apply to the aesthetic design. For example, in historic districts, new poles installed would need to match existing ones.

With no further discussion, Councilmember Overstreet made a motion to approve the bill. Councilmember Haas seconded. With the ayes being in the majority, Bill No. 7816 Committee Substitute was approved.

Councilmember Overstreet motioned to adjourn the meeting. Councilmember Cook seconded. Meeting adjourned.