

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 5, 2017

TIME: 7:30 P.M.

PLACE: Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Barry Ackerson, Andrew Fell, Tyler Fitch, Lew Hopkins,
Christopher Stohr, David Trail, Daniel Turner

MEMBERS EXCUSED: Dannie Otto

STAFF PRESENT: Lorrie Pearson, Planning Manager; Teri Andel, Administrative
Assistant II; Brad Bennett, Assistant City Engineer

OTHERS PRESENT: None

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Fitch called the meeting to order at 7:31 p.m. Roll call was taken and there was a quorum present with Mr. Stohr sitting in the audience due to illness.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the December 8, 2016 regular meeting were presented for approval. Mr. Fell moved to approve the minutes as presented. Mr. Ackerson seconded the motion. The minutes were approved by unanimous voice vote as written.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Proposed Revisions to the Right-of-Way Ordinance regarding Telecommunications Facilities

Chair Fitch opened this item on the agenda. He stated that the Commission members had received copies an article in the Zoning Practice magazine regarding recent trends in the telecommunication industry regarding public rights-of-way. Lorrie Pearson, Planning Manager, gave a brief introduction to Brad Bennett, Assistant City Engineer. She pointed out that the Plan Commission does not have any jurisdiction over the Right-of-Way (ROW) Ordinance; however, the Planning staff acknowledges that the Plan Commission members are interested in this topic and thought it would be good to give them a presentation on it. The presentation is slated to go before City Council.

Mr. Bennett gave background information on the Right-of-Way Ordinance and noted the handout for Chapter 20 of the Urbana City Code. He, then, gave a Power Point presentation on the following:

- Small Cell Technology
 - “Small cells” is an umbrella term for operator-controlled, low-powered radio access nodes; including those that operate in licensed spectrum and unlicensed carrier grade Wi-Fi.
 - Small cells typically have a range from 30 feet to several thousand feet.
 - Graphic Illustration
- Illinois Municipal Responses
 - Champaign

- Wheaton
- Evanston
- Danville
- Rantoul
- Normal
- Proposed Revisions to the ROW Ordinance
 - Limit the installation of antennas to occur on existing utility poles in the ROW, rather than through construction of new cell towers in the ROW.
 - Limit the location to arterial streets.
 - Limit the height of the antenna and related equipment to no higher than five-feet above the top of the existing utility pole.
 - Limit the size of the antenna and related equipment to five-square-feet of surface area.
 - Require that not more than one antenna be placed on a utility pole and that antennas be at least 300-feet apart.
 - Require that written permission be obtained from the utility owning the poles where the antennas and related equipment are proposed to be installed.
- License Agreement Process
 - Revisions proposed to Section 20-600 would allow the Mayor to execute license agreements for underground utility companies.
 - Permanent structures, utility above ground facilities, and non-utility facilities proposed to be located in City ROW would still require Council approval.

Mr. Bennett asked if the Commission members had any questions.

Mr. Fell stated that the City has no control over what happens on a pole owned by Ameren. If a telecommunication company wanted to put antennas on a City-owned pole, would they need to lease it? Mr. Bennett explained that the telecommunications company would need to have a license agreement with the City of Urbana. The license agreement will state the terms and conditions are.

Mr. Fell asked if an antenna became obsolete, would the company be required to remove it. Mr. Bennett replied yes. There is always a clause in a license agreement requiring a company to remove their antenna at their cost.

Mr. Stohr inquired about safety precautions if a vehicle should veer off the street or road and hit the pole to prevent an antenna from snapping off and soaring through the air. Mr. Bennett stated that the existing utility poles have to be a certain distance from the street. Generally with wooden poles, there is no break away feature as with some of the traffic and street light poles. He would assume that as part of an agreement either with Ameren or with the City, there would be some sort of safety analysis and requirements.

Mr. Ackerson questioned if there would be any metal boxes showing up in the ROW. Mr. Bennett replied that there could be some sort of boxes; however, at this time staff has not seen any boxes proposed. Other companies may submit applications of this type and require metal boxes. If that happens, the City does require screening of the boxes. Ms. Pearson suggested that

City staff look into adding language to reference telecommunication equipment in general being located every 300 feet rather than just antennas.

Mr. Trail commented that wireless providers are excellent competitors to non-performing broadband companies. He can get faster internet service on his phone than he can on his computer through the local cable company. Wireless providers require more locations because they need more antennas, which is why they are trending towards placing them on utility poles. More poles, more antennas, better, faster service. So, he does not understand the intended use of a 70-foot monopole. Mr. Bennett explained that these poles are for small cell technology. Infrastructure providers install/construct the infrastructure in the ground and sell to AT & T, Verizon, etc. He believed that there was some back haul relay from the antenna back to the main tower or to a switching facility.

Mr. Trail stated that other companies such as Ameren have been allowed to place utility poles in the ROW. Is there anything in the agreement with Ameren that allows other utilities to use the poles? Mr. Bennett replied that the traditional model for a cell provider company to purchase or lease a small portion of private property to construct a pole on. This involves a lot of negotiations, costs and getting approval from the municipalities. It is a very involved process. The cell provider companies have learned that if they go through the ROW and utility process, then they won't have to go through all of those hoops. The current State and Federal regulations state that the City has to allow telecommunication companies to use the ROW but that use can be regulated.

Mr. Trail wondered where City staff got specific ideas for the proposed revisions. Mr. Bennett explained that the proposed revisions came from Wheaton's ROW Ordinance. They are also similar to the ROW Ordinance for the City of Champaign.

Mr. Trail inquired about the 300 feet restriction. Mr. Bennett stated that 300 feet is typical spacing for utility poles. Mr. Trail asked if this was responsive for what companies intended to do. Mr. Bennett stated that we have not received specifics on the technological limitations are in terms of a minimum height or maximum spacing. Ms. Pearson added that 300 feet is a common City block length, and it is common to call things out one per block.

Mr. Trail commented that he was curious about why the proposed revisions to the ROW Ordinance came about. Mr. Bennett said that the concern is that if the City does not have anything in the Ordinance to regulate telecommunications in the ROW, then these types of companies will be able to come in and install their facilities. So, City staff wants to get some regulations so we can have some control.

Mr. Trail asked if there was any means to regulate towers with our current Ordinances. Mr. Bennett replied no, not under the language in the current ROW Ordinance. Ms. Pearson noted that there is the special use permit procedure that would be required for certain types of telecommunication requests.

Mr. Trail asked about the time frame for the applications that were submitted. Mr. Bennett stated that the applications were deemed incomplete. The company could choose to resubmit the

applications anytime. It could also be that a different company could submit a request for these types of poles to be constructed in the ROW.

As for the proposed revisions to the ROW Ordinance, City staff planned to present them to the Committee of the Whole on January 9th and January 23rd. Mr. Bennett pointed out that City staff has reached out to Ameren, AT & T and Comcast, which are the three biggest utility providers in the City of Urbana. Ameren did not have any issues with the proposed revisions. In fact, Ameren received an application to utilize some existing poles in the City of Champaign. Comcast never responded. AT & T has expressed some concerns and suggestions.

Mr. Fell asked if the City of Urbana had any control over what Ameren does with their poles. Or could a company back channel the City by going to Ameren directly and putting antennas on every pole that Ameren has? Mr. Bennett answered by saying that the company would have to get approval by the City as well as by Ameren. Ameren has a program on how they lease out space on their poles. City staff wants telecommunication antennas to be put on existing poles rather than constructing new poles. Ameren is subject to the City's ROW regulations. The proposed revisions are not meant to prevent the location of small cell technology. However, we do want to control it.

Mr. Hopkins asked where, if any, 75-foot tall utility poles were located in the City of Urbana. Mr. Bennett said that they do not exist. Mr. Hopkins asked if the proposed revisions would prevent 75-foot poles from being erected. Mr. Bennett said yes.

Mr. Hopkins asked about the arterial streets. Mr. Bennett stated that Windsor Road, Lincoln Avenue, University Avenue and High Cross Road are considered arterial streets.

Mr. Hopkins asked if the Plan Commission would be reviewing some of the applications under the proposed revised ROW Ordinance. Ms. Pearson stated that City staff would need to further discuss this.

Mr. Hopkins inquired if limiting the small cell technology to arterial streets would put limitations on small cell coverage. Mr. Bennett replied that City staff has no information as far as what their capabilities or limitations are. Mr. Hopkins felt that the City needed to have some basic knowledge of spatial distance coverage. He understands that the City of Urbana needs to get some regulations set, so he believes that this should be done and then City staff can go back and make amendments it as needed.

Mr. Hopkins questioned if existing fiber optic equipment could be used to link in small cell technology. Mr. Bennett stated that he can only speak about what has been submitted and none of the installation drawings indicate that they would connect in with the fiber optic network. Mr. Hopkins noted that in some areas the City of Urbana has more dense fiber optic service than a typical community.

Mr. Hopkins asked if the proposed revisions only referred to City owned ROWs and not to areas that are not parallel to the City streets. Mr. Bennett said that was correct. It would not apply to private easements. Mr. Hopkins felt that many citizens would be as concerned about the poles in

their back yards in the private easements as they would be in the City ROWs. Ms. Pearson pointed out that because the land under the private easements are owned by private property owners, they would need to follow the rules of the Zoning Ordinance with regards to setbacks, height, etc. She would check to see if the Telecommunications section of the Zoning Ordinance covered small cell technology – antennas being added to existing utility poles.

Chair Fitch agreed with Mr. Hopkins that they should get some regulations approved. They also want to make sure that small cell technology does not get choked out by too strict of regulations. Mr. Bennett pointed out that there are federal and state statutes in place to prevent this from happening and to encourage competition among the competitors within the wireless field.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission