

**OFFICE OF THE CITY COUNCIL**

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**JOINT LUZ AND TEU SPECIAL COMMITTEE MEETING MINUTES**

**Lynwood Roberts Room, 1st floor, City Hall**

**August 28, 2018**

**11:00 a.m.**

**Location:** City Council Chamber, City Hall – St. James Building, 117 West Duval Street

**In attendance:** Council Members Matt Schellenberg (Chair), Danny Becton, Al Ferraro, Reggie Gaffney, Ju’Coby Pittman, John Crescimbeni, Terrance Freeman, Jim Love

**Also**: Council President Aaron Bowman; Council Member Lori Boyer; Jason Teal and Paige Johnston – Office of General Counsel; Philip Peterson – Council Auditor’s Office; Staci Lopez and Crystal Shemwell – Legislative Services Division; Yvonne P. Mitchell – Council Research Division

**Meeting Convened**: 11:00 a.m.

Council Member Matt Schellenberg called the meeting to order and the attendees introduced themselves for the record. Mr. Jason Teal provided an overview of the substitute legislation as filed which included: 1) the comparison between the LUZ and TEU amendments; 2) the proposed registration process, and 3) the OGC interpretation of the law. He stated that the two amendments are relatively identical except for the actual amount of space to grant vendors. State Law passed legislation to require local governments to allow usage of public right-of-ways for small cell wireless facilities. In response, the City created regulatory guidelines for vendors that includes objective design standards.

Several Council members arrived at 11:07 a.m. due to miscommunication regarding the location of the meeting. Chairman Schellenberg recognized Council President Aaron Bowman to address the committee. He shared his concerns regarding the delay with moving the legislation, the two conflicting amendments, and potential lawsuits against the City. Council President Bowman urged the committee to provide a unified position, based on discussions and advice from OGC, at the next Council meeting.

Mr. Teal continued with providing an overview of the State law and the City’s proposed regulations. He explained that the small cell facilities are comprised of three components: 1) the antenna; 2) equipment that can be mounted to the pole, and 3) equipment that can be mounted to the base. State Law requires a volume of up to 28 cubic feet for the wireless facility. Mr. Teal emphasized that the State Law is silent on whether or not the *up to 28 cubic feet* has to be pole mounted. He commented waiver process which will be determined by a committee of the Council. The vendor must meet all of the criteria to be eligible for a waiver. There are potentially hundreds of applications waiting for the City to pass legislation.

It should be noted that vendors will be allowed to batch up to 50 applications for processing at a time. Mr. Teal was requested to research how much volume is permitted in other municipalities. Winter Park has the most extreme standards which mandate everything associated with small cell facility must be underground. If a location is technologically impossible to hold equipment underground, a waiver may be granted. However, the equipment attached to a pole cannot exceed 12 cubic feet. After deliberations and questions of vendors, Mr. Teal stated that the proposed regulations are reasonable, and he is confident with the City’s defense if sued. In regards to the removal of equipment not in use, Mr. Teal explained that an assurity policies are required which could assist in the removal expense.

CM Crescimbeni requested that Mr. Teal report back on whether AT&T has applied for small cell facilities in Winter Park and if a waiver was granted. Chairman Schellenberg requested Verizon representatives to provide pictures of the six locations with deployed equipment above ground with 28 cubic feet.

The following vendor representatives provided general comments: Vilma Sneed, (Mobilitie); Heather Duncan, ATT; James Johnston and Adam Oliver, (Verizon). Public comment received from Alicia Grant, John Course, and Jennifer Wolfe.

No decision was made whether to utilize the LUZ or TEU amendment regarding the maximum volume of the small cell facility equipment.

There being no further business, the meeting was adjourned.

**Meeting adjourned:** 12:04 p.m.

The written minutes of this meeting are only an overview of what was discussed. The following items have been submitted for the public record. Please contact legislative services for these items.

Minutes: Yvonne P. Mitchell, Council Research

 08.30.18 Posted 4:00 p.m.

Tapes: Joint LUZ and TEU Special Committee Meeting – LSD

 08.27.18