

RESOLUTION 2018-04

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM OF NINETY DAYS UPON THE PROCESSING, APPROVAL, AND ISSUANCE OF ANY PERMITS RELATING TO THE CONSTRUCTION OR INSTALLATION OF, AND/OR MODIFICATION TO, MICRO WIRELESS TELECOMMUNICATIONS FACILITIES WITHIN THE RIGHTS-OF-WAYS AND RESIDENTIAL AREAS OF SYCAMORE TOWNSHIP, OHIO, DISPENSING WITH A SECOND READING AND DECLARING AN EMERGENCY

WHEREAS, Section 519.211 of the Ohio Revised Code authorizes the Board of Township Trustees to regulate telecommunications towers in residential areas in the unincorporated areas of a township; and

WHEREAS, this Board has an interest in the location, installation, construction, reconstruction, and certain changes, alterations, or enlargement of, telecommunications towers (including Mini Cell Towers as defined herein) in the Township; and

WHEREAS, this Board deems it to be in the public interest to regulate and manage its public rights-of-way in the Township; and

WHEREAS, certain technological advancements and legal developments with respect to micro or mini cell towers have come to the attention of this Board, and the Board deems it necessary to review, study and potentially address those advancements and legal developments in a reasonable manner, particularly with respect to the installation and construction of mini cell towers within the rights-of-ways and residential areas in the Township; and

WHEREAS, the development and implementation of adequate policies and regulations regarding mini cell towers, and the siting of such wireless facilities and utilities in a way that addresses local concerns, standards, and policies, requires the consideration of a telecommunications and utilities facilities plan intended to provide the public with access to utility and wireless services, and to comply with federal and Ohio law; and

WHEREAS, for the purposes of the resolution, "Mini Cell Towers" shall include, but not be limited to, all the following categories:

"Wireless facilities" which means an antenna, accessory equipment, or other wireless device or equipment used to provide wireless service; and

"Wireless support structures" which means a pole, such as a monopole, either guyed or self-supported, light pole, traffic signal, sign pole, or utility pole capable of supporting wireless facilities. As used in section 4939.031 of the Ohio Revised Code, "wireless support structure" excludes a utility pole or other facility owned or operated by a municipal electric utility; and

“Small cell facility” which means a wireless facility where each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume and all other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume and if the wireless facility were placed on a wireless support structure, the increased height would be not more than ten feet or the overall resulting height would not be more than fifty feet. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services; and

“Micro wireless facility” which means and includes a distributed antenna system and a small cell facility, and the related wireless facilities; and

“Distributed antenna system” which means a network or facility to which all of the following apply; (1) It distributes radio frequency signals to provide wireless service; (2) It meets the height and size characteristics of a small cell facility; (3) It consists of remote antenna nodes deployed throughout a desired coverage area; has a high-capacity signal transport medium connected to a central hub site; and equipment located at the hub site to process or control the radio frequency signals through the antennas; and (4) It conforms to the size limitations specified in a definition of a “small cell facility” noted above; and

WHEREAS, in order to complete a review, develop a utilities facilities plan or resolution and a permitting process, and/or to review and make recommendations with respect to zoning, and/or limitations on Mini Cell Towers, Township staff will require additional time to undertake such a review and develop recommendations for this Board to insure that any proposed regulations and processes are rationally-based, conform to objectives of the Township and enhance the public peace, health, safety, and welfare of its citizens; and

WHEREAS, to provide adequate time for such review, this Board determines that it is necessary to impose a moratorium of ninety (90) days on the processing, approval and issuance of permits for Mini Cell Towers in the rights-of-ways and residential areas of Sycamore Township.

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1. In order to provide adequate time for such a review of technological advancements and legal developments with respect to the siting and modification of telecommunications towers, including Mini Cell Towers, in the Township, to determine what, if any, regulations regarding the location, installation and construction of Mini Cell Towers within the rights-of-ways and residential areas of the Township are necessary and in the furtherance of the public peace, health, safety and welfare, this Board hereby imposes a moratorium of ninety (90) days on the processing, approval, and issuance of any permits for the construction or installation of, or modification of, Mini Cell Towers within the rights-of-ways and residential areas of the Township. The Township Administrator is

instructed to lead Township staff in the aforesaid review in an expeditious manner and to make recommendations to this Board in the matter.

SECTION 2. During the aforesaid period of the moratorium, no permits for the installation of any Mini Cell Towers within the public rights of way of the Township or in residential areas of the Township shall be processed and/or issued by the Township.

SECTION 3. The preambles hereto are and for all purposes shall be construed to be integral and operative parts of this Resolution.

SECTION 4. The Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitations) Section 121.22 of the Revised Code, except as otherwise permitted thereby.


SECTION 5. By at least two-thirds vote of all of its members, any requirement that this resolution be read on two separate days is hereby waived and passage of this resolution is authorized upon its first reading.

SECTION 6. This resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the township and shall take effect immediately. The reason for the emergency is to provide for safe streets and roads in the township and to provide township staff with sufficient time to review and make recommendations to the Board regarding the location and regulations for telecommunication facilities in the Township.


VOTE RECORD:

Mr. Connor Aye Mr. LaBarbara Aye Mr. Weidman Aye

PASSED at the meeting of the Board of Trustees this 18th day of January, 2018.



Dennis W. Connor, President



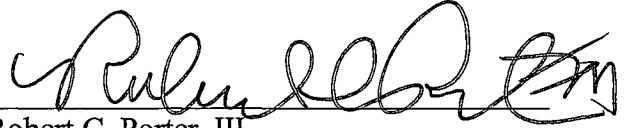
Thomas J. Weidman, Vice President



Jim LaBarbara, Trustee

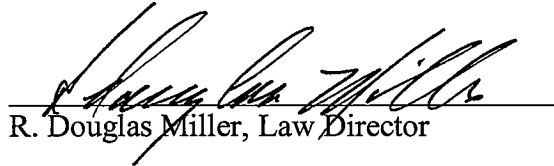
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 18th day of January, 2018.



Robert C. Porter, III
Sycamore Township Fiscal Officer

APPROVED AS TO FORM:



R. Douglas Miller, Law Director