



## Planning and Public Safety Committee Meeting

March 5, 2019

### Summary and Motions

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Chair Mossotti called the meeting to order at 1:02 p.m. Committee Members J. Brown, Ellinger, McCurn, Gibbs, Bledsoe, Reynolds, Plomin were present. Committee Member Worley was absent. VM Kay and CM F. Brown were also present as non-voting members.

#### I. Approval of February 5, 2019 Committee Summary

A motion was made by CM Plomin to approve the February 5, 2019 Planning and Public Safety Committee Summary, seconded by CM Bledsoe, the motion passed without dissent.

#### II. 5G Small Cell Wireless Discussion

Aldona Valicenti, Chief Information Officer, presented the item. She provided a brief history of wireless technology and how it has evolved, explaining its usage and capabilities of today. She described what is needed from the city to deploy the small cell wireless technology and part of the issue is installation in ROW so the intent is to have some say in the aesthetic requirements and where they can be placed. She explained the FCC regulation which allows these to be placed anywhere if a city does not respond within the required timeframe.

CM Plomin asked if this follows an RFP process and Valicenti said it does not because companies come to us. Plomin asked if the turnaround is determined by what is already there. Valicenti said yes, it can be attached to existing infrastructure; we do have some say over the right of way or aesthetics, but we do have to provide a telecom franchise.

CM Lamb asked if we still need macro towers. Valicenti said most cities still have them because the generations do not phase out at a certain date, they overlap. Valicenti confirmed that the small cell towers are standalone.

CM J Brown commented on the workgroup and asked if it was the same workgroup put together when looking at county-wide fiber and Aldona said it was pretty much all of the same people. J Brown asked if one outcome is to adopt an overall policy or just address certain issues and Valicenti said it is an exchange of information. She said the urgency now is that there is a shot clock.

CM Bledsoe asked if this affects Public Safety and if it will help pinpoint a 911 call. Valicenti said 911 is geography-based, but this is looking forward and Public Safety can respond faster with this technology.

CM Farmer commented on this already being deployed in the city and asked if that was by a particular carrier. Valicenti said there are multiple carriers with capabilities and there are others who only build the towers so there are multiple vendors approaching us. Farmer asked what action needs to be taken today specific to the shot clock. Valicenti said this presentation was for background information and she does not need action taken. David Barberie, with Law Department, responded that the action would be to move the changes to 17C out of the committee since we are working with deadlines.

No further comment or action was taken on this item.

#### III. Changes to Chapter 17C per FCC Order

Doug Burton, Director of Engineering, presented the item. He explained a diagram that illustrates slim line poles and utility poles and said the preference is to use existing street lights or replacement of street lights which allows coverage in areas where people are. He said from an aesthetic standpoint it allows for little impact and they relieve congestion among other networks. He explained the FCC order and the implementation process. He said April 13 is deadline and we need to respond by then to have input. He said the 60-day and 90-day shot clocks will have no impact to 17C because we have a 10-day shot clock in our ordinances. He explained that our current ordinance is vague pertaining to aesthetic requirements so the intent here is to codify current polices. He described pole farms and companies should be encouraged to replace an existing pole with their own. He explained some of the changes including changes to definitions and the addition of a new section which provides aesthetic standards.

CM J Brown asked for an explanation of decommissioning existing poles. Burton explained the pole will need to be replaced with a new one that handles the light and the small cell antennae. CM J Brown asked if the private company would own the pole and Burton said yes and they would also pay utilities. J. Brown asked what the standard distance is between small cells and Burton explained that it is all height dependent.

CM Lamb asked if there will be anyone with a database who will track these small cell towers as they are installed. Burton said we will not have a record of where they will be unless a light has been decommissioned. Lamb asked if there is an agreement in place with the small cell towers. Burton said when they decommission a light, there will be because there is an agreement between us and KU, but a new light pole will need a permit that needs to follow 17C.

CM McCurn commented on leasing poles between carriers and asked if there is something to limit a pole farm so another company cannot come within a certain radius. For clarity, he said that he would not want to see 3 or 4 poles next to each other because one carrier would not lease to another. Burton said there are spacing requirements will help limit issues with existing pole lines.

CM Mossotti asked who removes a pole when it is no longer viable and expressed concern about pole farms. Burton said the light has to be maintained or replaced and 17C changes being proposed will allow us to enforce this because of the FCC requirement.

No further comment or action was taken on this item.

#### **IV. Changes to Chapter 17C Related to Town Branch Commons**

Brandi Peacher, Director of Project Management, provided this presentation. She described how the small cells affect utilities in the ROW. She provided an overview of Town Branch Commons (TBC) and how it is spread through downtown Lexington. She explained the timeline and this proposal is intended to distinguish TBC from other projects. She described the difference in underground and aboveground facilities and said the goal is to prohibit underground facilities in green spaces but allow them under paved spaces. She explained the need to keep the path cleared and she explained restoration and maintenance requirements.

CM Bledsoe commented on storm water bio-swales and asked if Water Quality is capable of adhering to all of the new standards. Martin said he is concerned about it but they can continue to work together. He said if there is existing infrastructure and a park is built on top of that, it will create risk. Bledsoe

asked if costs will go up to maintain that area and allow Water Quality to adhere to these standards. Martin said yes, but as long as we are flexible, the team can work through it. Bledsoe asked if we can amend 17C in the future if necessary and Barberie said if we have another project, anything we do will be prospective and it would be hard to undo something that already exists. He said nothing is in the way of what we are doing now so it is easy to lay out the aesthetics, but in an area that has already been developed it is more difficult to have it look the way it is intended.

A motion was made by CM Gibbs to accept the amendments to Chapter 17C per FCC Order and as related to Town Branch Commons, seconded by CM Ellinger, the motion passed without dissent.

A motion was made by CM Gibbs to ask the chair to have the motion to accept the changes to 17C per FCC and as related to Town Branch Commons reported out at Work Session today, March 5, 2019, seconded by CM J. Brown. The motion passed without dissent.

#### **V. Quiet Zone Feasibility Study**

Lindsay Walker, Representative with Kimley-Horn, presented. She provided a background of the study and said the neighborhoods in these areas have been established. She explained what is involved in the feasibility study and highlighted specific things they look at. She said the crossings that are of concern were discussed and she reviewed the safety measures that would have to be in place in a quiet zone. She reviewed the data that was collected, requirements, and the implementation process for a quiet zone.

CM Gibbs commented on the gate requirement in these areas and asked if that has been replaced with delineators. Walker said that is a lower-cost improvement and FRA has listed these as an option.

CM Ellinger asked if we would have to do Rosemont Garden and Waller Avenue together and Walker said yes. Ellinger asked where the funding would come from and Walker said the issue came from council districts so she would look there.

CM McCurn asked if the quiet zone would coincide with the noise ordinance or if it would be a 24/7 policy. Walker said they would only need to sound horn if there is an emergency. He asked if there is a sense of urgency with implementation. Walker said the forms have to be current so those would have to be updated after a certain amount of time if this is delayed. He asked if this cost is shared with the railroad company since the study shows that this will be a joint process. Neal said the cost would be 100% on the city and the sense of urgency is for quality of life for the residents, but not for traffic or traffic safety. CM McCurn asked who would be liable in the event of an accident. Chad Edwards with the Law Department said it would be assessed on a case by case basis. McCurn asked if every neighborhood petitioned for this quiet zone and Walker said it was her understanding that districts 2 and 3 were the initial ones.

CM Plomin commented on implementation and said moving forward, we should continue working together on this.

CM Ellinger asked if changing to a quiet zone will cause a liability issue. Edwards said this should not increase liability.

No further comment or action was taken on this item.

**VI. Items Referred to Committee**

As Vice-Mayor, VM Kay referred Article 9 of the Zoning Ordinance which is Group Residential Development and Article 15 of the Zoning Ordinance which is General Regulations and Infill/Redevelopment to the Planning and Public Safety Committee.

A motion was made by CM Bledsoe to adjourn, seconded by CM Plomin, the motion passed without dissent.

The meeting was adjourned at 2:25 p.m.  
KT 3.8.2019