

TOWN OF MIAMI LAKES, FLORIDA WORKSHOP MEETING

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<http://miamilakesfl.swagit.com/meeting-categories/>

AGENDA

Workshop

January 29, 2018

6:00 PM

Government Center

6601 Main Street

Miami Lakes, Florida 33014

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance/Moment of Silence**
- 4. Public Comment**

All comments or questions from the attending public to the Council shall be directed to the Mayor, in a courteous tone. No person other than the Council and the person recognized by the Mayor as having the floor, shall be permitted to enter into discussion without the permission of the Mayor. To ensure the orderly conduct and efficiency of the meeting, public comments shall be limited to three (3) minutes maximum per person; however, the Mayor may authorize the extension of the aforesaid time frame, and any extension shall apply to other individuals speaking on the same subject.

No clapping, applauding, heckling, verbal outburst in support of, or in opposition to a speaker or his/her remarks shall be permitted. Should a member of the audience become unruly, or behave in any manner that disrupts the orderly and efficient conduct of the meeting, the Mayor is given the right and the authority to require such person to leave the Council Chambers.

As a courtesy to others, all electronic devices must be set to silent mode to avoid disruption of the proceedings.

5. Items for Discussion:

A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, AMENDING THE TOWN'S CODE OF ORDINANCES AT CHAPTER 35, ARTICLE II, COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY; RELATING TO THE PLACEMENT OF UTILITIES OTHER THAN COMMUNICATION FACILITIES LOCATED WITHIN THE RIGHTS-OF-WAY, BOTH ABOVE AND BELOW GROUND; CREATING ARTICLE III, PROVIDING FOR REGULATIONS RELATING TO THE PLACEMENT OF COMMUNICATION FACILITIES, WIRELESS FACILITIES, PASS-THROUGH FACILITIES, AND OTHER SIMILAR FACILITIES, WITHIN THE TOWNS RIGHTS-OF-WAY,

BOTH ABOVE AND BELOW GROUND; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

6. Adjournment

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at www.miamilakes-fl.gov and is available at Town Hall, 6601 Main Street, Miami Lakes 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.

Anyone wishing to appeal any decision made by the Miami Lakes Town Council with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 12 copies.



Town of Miami Lakes Memorandum

To: Mayor & Councilmembers
From: Alex Rey, Town Manager
Subject: Utilities and Communication Facilities in the Rights of Way
Date: 1/29/2018

Recommendation:

Please see attached.

ATTACHMENTS:

Description
presentation

Communication and Utilities in Town Rights-of-Way








Presented by:

Darby Delsalle, AICP, Director of Planning

Lorenzo Cobiella, Esq., Assistant Town Attorney

What: Revision to Article II, and creation of Article III

A Framework to Manage the Town's Rights-of-Way

Utilities (noncom)	Communication Facilities
<ul style="list-style-type: none">•  Gas•  Water•  Sewer•  Electricity	<ul style="list-style-type: none">•  Cable•  Telephone•  Wireless

What: Revision to Article II, and creation of Article III

This Ordinance:

- Removes Communication Facilities from Article II
- Updates Utility Provisions
- Creates Article III dedicated to Communications Facilities

Why Now:

- State of Florida adopts HB 687
- Amending Statute 337.401 regarding Small Cell Facilities in the public rights-of-way

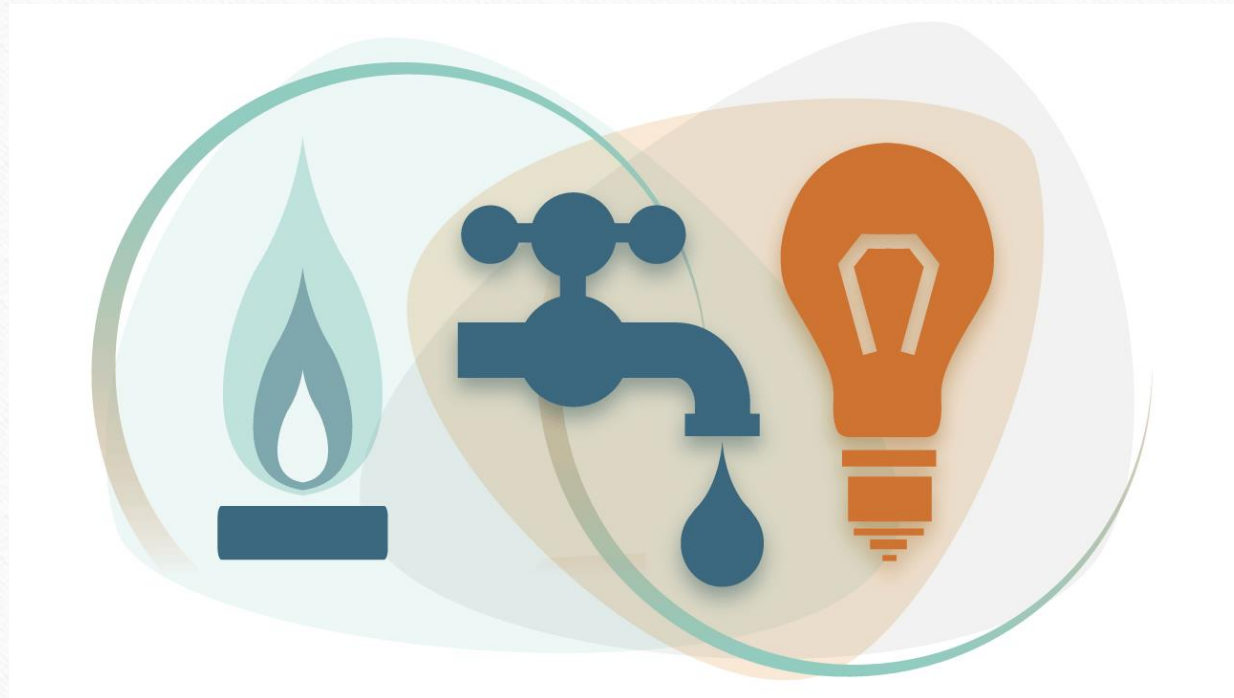


Why Now:

- Town Code must comply with new statute
- Opportunity to update Town's rights-of-way code



ARTICLE II. UTILITIES



Article II

Introduction

- A framework for regulating Noncommunication Utilities in the ROW
- Does not prevent individual franchise agreements



DIVISION 1

- ✓ Intent
- ✓ Definitions



DIVISION 2.

Registration:

- Proper insurance
- Indemnification and hold-harmless
- Participate in defense of claims

Security Fund for RoW Restoration:

- Damage caused by a utility
- Failure to complete work
- Abandonment of a project or facility

\$50,000



DIVISION 3.

- Requires Permit.
- MOT Plan.
- Compliance with the Florida Building Code
- Minimum standards
- Repair and maintenance of the Rights-of-Way
- Construction bond for larger projects



DIVISION 4.

- ✓ Enforcement Provisions
- ✓ Appeal Provisions
- ✓ Fines



DIVISION 5.

- Abandonment Provision
- Provides for removal of an abandoned facility

Ensures the ROW is clear of any unused and unnecessary equipment



ARTICLE III. TELECOMMUNICATIONS



ARTICLE III. INTRODUCTION

- A framework for the regulation of Communication Facilities in the RoW
- Comply with State and Federal Law

- Franchise agreements NOT PERMITTED
- All providers must be treated EQUALLY



DIVISION 1

- ✓ Intent
- ✓ Definitions



DIVISION 2.

Registration:	Security Fund for RoW Restoration:
<ul style="list-style-type: none">• Proper insurance• Indemnification and hold-harmless• Participate in defense of claims	<ul style="list-style-type: none">• Damage caused by a utility• Failure to complete work• Abandonment of a project or facility <div data-bbox="1559 1129 2076 1322">\$50,000</div>



DIVISION 3 Part I.

In General

- Requires Permit.
- MOT Plan.
- Compliance with the Florida Building Code
- Minimum standards
- Repair and maintenance of the Rights-of-Way
- Construction bond for larger projects



DIVISION 3 Part II

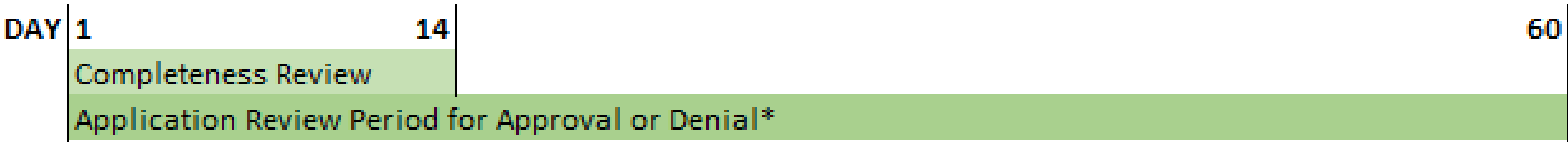
Small Cell Facilities

- Creates Review Periods
 - “**Shot Clocks**”
- Provides options as to location and design
 - Stealth and Concealment
 - Alternative location suggestions
 - Maximum Pole Height



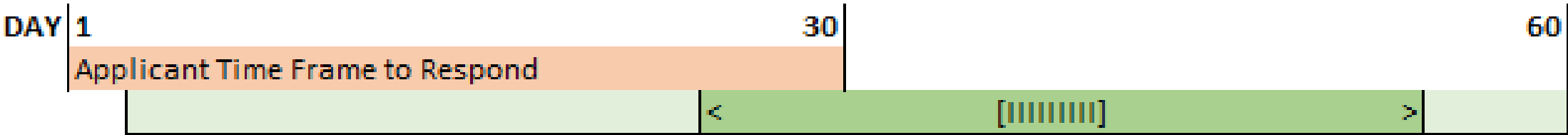
Shot Clocks – Part I

STANDARD REVIEW SHOT CLOCK



* Town and applicant may mutually agree to extend Application Review Period

DENIED APPLICATION PROCEDURE



Sliding Scale: Town must respond with 30 days of applicant's resubmittal



DIVISION 3.

Denial of Application

Application may be denied if:

- Safe operation of Traffic Control Equipment is compromised
- Site lines and clear zones are obstructed by the pole or equipment
- ADA standards are violated
- Noncompliance with 2010 editions of the FDOT Utility Accommodation Manual
- Non Compliance with other applicable safety code

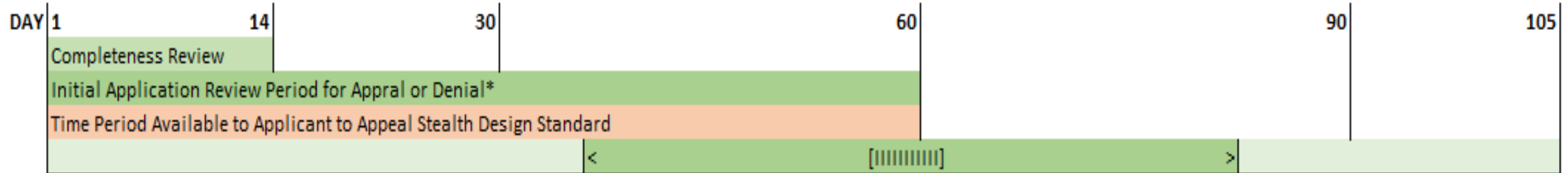


Shot Clock – Part II

TOWN REQUEST FOR ALTERNATE LOCATION SHOT CLOCK



APPLICANT APPEAL OF STEALTH DESIGN



Sliding Scale: Town must respond with 45 days of Applicant's Appeal







DIVISION 4.

- ✓ Enforcement Provisions
- ✓ Appeal Provisions
- ✓ Fines



DIVISION 5.

- Abandonment Provision
- Provides for removal of an abandoned facility

Ensures the ROW is clear of any unused
and unnecessary equipment



DIVISION 6

Tax and Fees.

Cannot charge:	May Charge:
<ul style="list-style-type: none">• Building Permit Fee• Registration Fee	<ul style="list-style-type: none">• \$150 per Town pole• Up to \$500 per linear mile of cable, conduit, strands or fibers.• Fee to be collected annually

