

TOWN OF MIAMI LAKES, FLORIDA WORKSHOP MEETING

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AGENDA Workshop March 13, 2017 5:30 PM Government Center 5501 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. Selection of Town Manager & Town Attorney
- B. Telecommunications

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: Honorable Mayor and Councilmembers

From: Alex Rey, Town Manager and Raul Gastesi, Esq., Town Attorney

Subject: Selection of Town Manager & Town Attorney

Date: March 13, 2017

Recommendation:

Please see attached presentation.

Attachments:

[Town Manager & Town Attorney Selection Process Presentation](#)



Town Manager and Town Attorney Selection Workshop

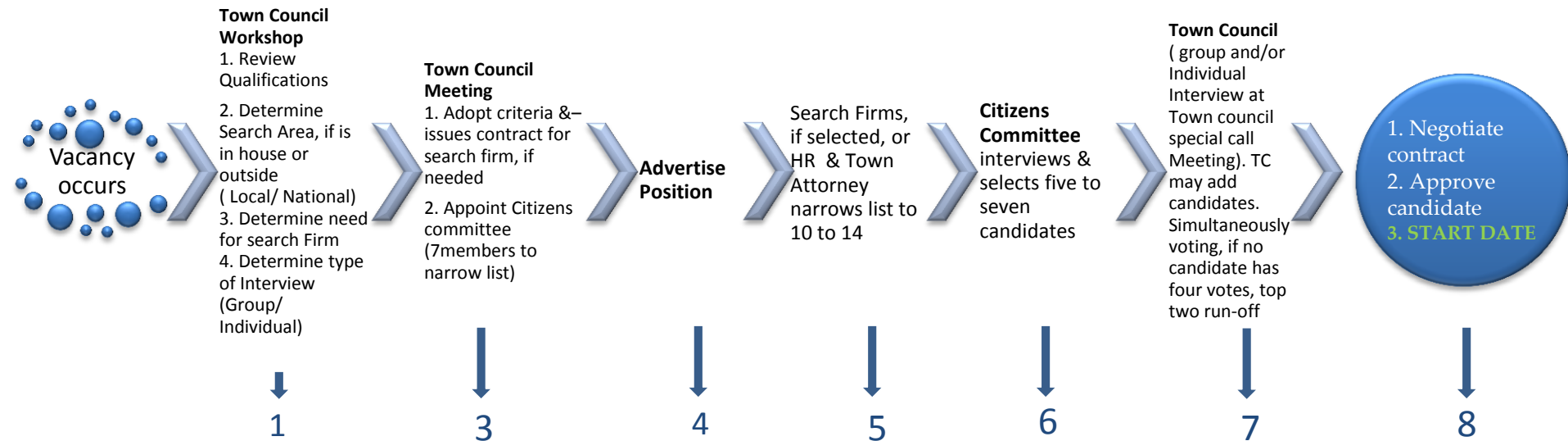
March 13, 2017



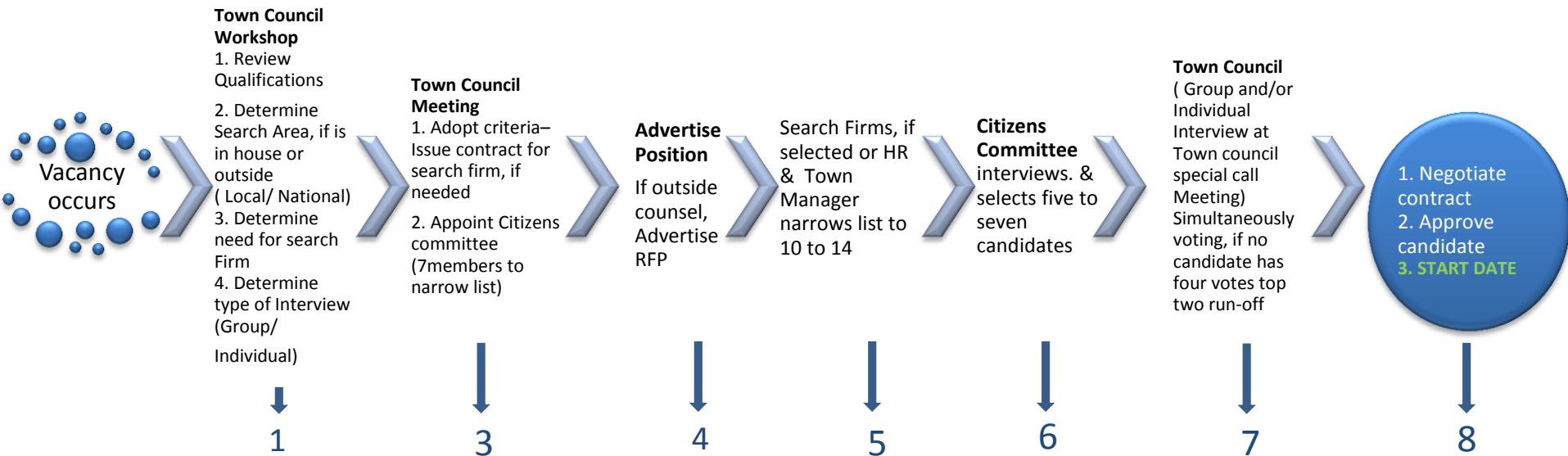
Agenda

Topic
<h2>Introduction</h2> <p>Introduction of new selection processes for the Town Manager and Town Attorney</p>
<h2>Town Manager Selection</h2> <p>Discussion on the proposed Town Manager Selection Process</p>
<h2>Town Attorney Selection</h2> <p>Discussion on the proposed Town Attorney Selection Process</p>

Town Manager Selection Process



Town Attorney Selection Process





Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers

From: Alex Rey, Town Manager and Raul Gastesi, Esq., Town Attorney

Subject: Telecommunications

Date: March 13, 2017

Recommendation:

Please see attached presentation.

Attachments:

[Telecom Presentation](#)



Telecommunications Workshop

March 13, 2017



Agenda

Topic

Legal

Introduction of new telecommunications legislation and legal framework for policy discussion

Telecommunications in ROW

Policy discussion on proposed regulations for telecom facilities in the ROW

Telecommunications in Parks

Policy discussion on potential telecom facilities in Parks

Introduction

The following slides shall serve as a general outline of the Town's ability to regulate telecommunication structures within the Town's right of ways and the Town's responsibility to address and respond to permit solicitations for telecom equipment on public right of ways.

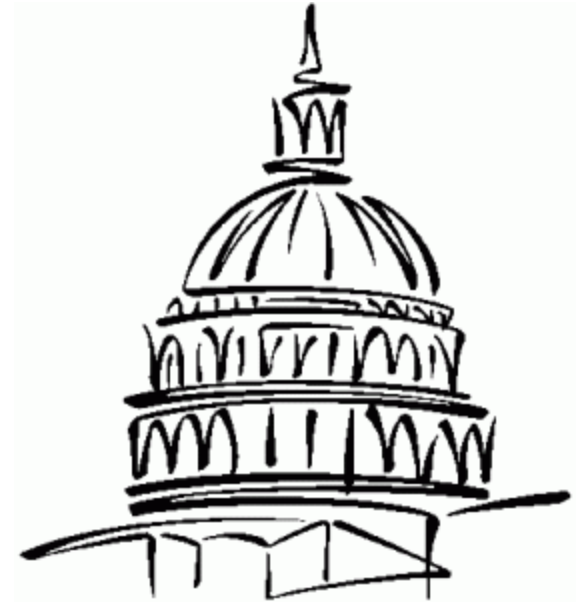


Federal Law

In 1996, Congress enacted the Federal Telecommunications Act of 1996 (FTA).

What we can't do.

In general; no state, local statute or regulation, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.



What the State of Florida can do.....

Nothing in this section shall affect the ability of a State to impose:

On a competitively and neutral basis requirements necessary to preserve and advance **universal service, protect the public safety and welfare** ensure the continued quality of telecommunications service, and safeguard the rights of consumers.



What Municipalities Can Do.....

Nothing affects the authority of a State or local government to manage the public rights-of-way on a competitively neutral and nondiscriminatory basis.



State of Florida vs. Municipalities:

- Congress drew a distinction between powers reserved to State and Local Government.
- States may regulate universal service, protect consumers, ensure quality and protect the public safety and welfare. Municipalities can only manage the public rights-of-way.

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Authority to Regulate:

Florida Law delegates regulation authority over telecommunication companies to the Public Service Commission (“PSC”), a statewide administration. See Florida Statute § 364.01.



State of Florida

Authority to Regulate:

While this statute preempts local governmental control over telecommunication companies, Florida municipalities can regulate the use of their right of ways. See Florida Statute § 337.401.



A municipality cannot:

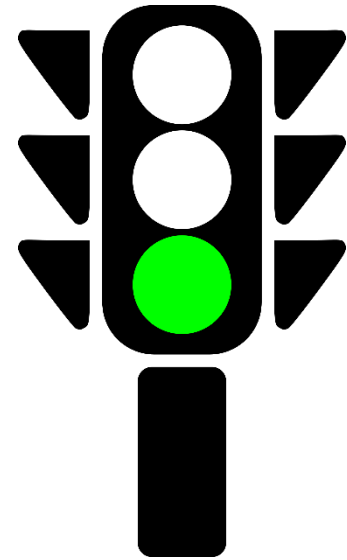
- During the review process for a wireless communication facility application a municipality **may not:**
 - Require information from the applicant on, or evaluate a wireless provider's business decisions about its service
 - Customer demand for service, quality of its service to or from a particular area or site, unless the wireless provider voluntarily offers this information to the municipality, cannot be requested.



- Additionally a municipality many not require information on, or evaluate the wireless provider's designed service unless the information or materials are directly related to and identifies a land development or zoning issue; *unless the wireless provider voluntarily offers the information.*

A Municipality May:

- Review the application for placement, construction or modification of a wireless communications facility to address land development or zoning issues.



- Review application for **aaesthetics, landscaping and land use, based on location, structural design**; require design to accommodate collocation and setbacks.
- Additionally, a municipality **may exclude** the placement of wireless communication facilities in a **residential area** or zoning district but only in a manner that does not constitute an actual or effective prohibition of the provider's service in that residential area or zoning district.

Fees:

- Only Permit Fees can be collected. However, pursuant to Town of Miami Lakes' election and pursuant to Florida Statute § 337.401, the Town does not collect permit fees.
- For pass through entities, \$500.00 can be charged per linear mile.



Collocation:

Collocation: Means the situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae.



- Collocations are favored by the State, therefore, collocations that meet the following requirements are statutorily subject to only building permit review:
 - The Collocation does not increase the height of the tower to which the antennae are to be attached;
 - Collocation does not increase the ground space area commonly known as the compound, approved in the site plan from equipment enclosures and ancillary facilities;
 - Collocation consists of antennae equipment enclosures and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions or conditions.

- Collocation does not increase the ground space area commonly known as the compound, approved in the site plan for equipment enclosures and ancillary facilities
- Collocation consists of antennae equipment enclosures and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions or conditions.

Registration:

Florida Law does not permit a municipality from entering into a private license or franchise agreement with a provider of communication service.



However.....

- Florida law permits municipal registration of communication service providers that are seeking the placement or maintenance of facilities within the municipality's right of ways.

Registration may require:

- The provider to provide:
 - the name of the registrant;
 - the name, address and telephone number of a contact person for the registrant
 - the number of the registrant's current certificate of authorization issued by the Florida Public Service Commission the Federal Communications Commission or the Department of State. *Florida Statute § 337.401.*

- Registration, by itself does not create a right to place or maintain a communication facility in the roads or rights of ways of a municipality.

Time Frames:

Florida Statutes creates strict timelines that must be followed throughout the application process

Collocation:

A municipality shall grant or deny each properly completed application for a collocation subject to building permit review, within the same period as a normal building permit review, but in no case later than 45 business days after the date the application is determined to be properly completed.



Wireless Communication Facility:

A municipality shall grant or deny each properly completed application for a wireless communication facility based on the municipality's requirement including but not limited to land development regulations, consistent with this subsection and within the normal time frame for a similar type review but in not case later than 90 business days after the date the application is determined to be properly completed.



Submittal of Application and Acceptance:

- An application is deemed submitted or re-submitted on the date the application is received by the municipality.
- The municipality shall have 20 days after receipt to notify the applicant of deficiencies in the application.

Failure to Respond Applicant in a Timely Manner.....

- The municipality's failure to properly notify the applicant within the 20 day period shall render the application, for administrative purposes, properly completed and submitted.
- The determination by itself shall not be deemed as an approval of the application.



- If the application is deficient, the municipality shall inform the applicant of the deficiency, the required documents, and timeframes for review.
- Review may not be longer than 20 days. Local government may establish reasonable timeframes within which the required information to cure the application is to be provided.

- If the municipality fails to grant or deny a properly completed application, the application shall be deemed automatically approved and the applicant may proceed with the placement of the facilities.



Telecommunications in ROW



Telecommunications in ROW



Telecommunications in ROW

Planning Research

- Model Code Comparison
 - City of Fort Lauderdale
 - Village of North Palm Beach
- Both Vetted by Industry
 - Meet State & Federal Rules
 - Treat Utilities Fairly
 - **Application Procedures**
 - **Review Standards**

Telecommunications in ROW

Registration

- Main Contact Information
- Evidence of Insurance
 - \$2,000,000 (Two Separate Policies)
 - Performance bonding
- Permitting
 - Shot Clocks
 - Safety
 - **Aesthetics**
 - **Height**
 - **Location**
 - **Equipment Size**

Telecommunications in ROW

aesthetics - Appearance

- Fort Lauderdale:
 - Stealth Design
 - Color Photo Simulation
 - No Signage
 - Specifies Exterior Finishes
- North Palm Beach
 - Minimize Visual Impact
 - Landscaping

Telecommunications in ROW

Height

- Fort Lauderdale:
 - Pole Not to Exceed Height of Nearest Pole
 - Single Antenna +4'
 - Colocation +6' Per Antenna
 - 8' Clearance
- North Palm Beach
 - Pole Not to Exceed Height on a Similar Street
 - Arterial Max 75'
 - Collector Max 55'
 - Local Max 40'

Telecommunications in ROW

Location

Fort Lauderdale:

- Pavement Separation Per FDOT Manual
- 1' Off Sidewalk
- Edge of ROW
- Site Triangles
- 350' Separation Between Poles
- No Residential Front Yards
- 10' Setback from Residential Corner Lots
- Do Not Impair Residential Views

Telecommunications in ROW

Location

North Palm Beach:

- Arterial as Preferred Location
- Engineering Analysis Required All Other Streets
- Not Directly in Front of Residential Structure
- If Residential on One Side – Pole to Other Side
- Located in Areas with Existing Vegetation
- Do Not Impair Residential Views

Telecommunications in ROW

Equipment size

- Fort Lauderdale:
 - Antenna 3 Cubic Feet
 - Cabinet 17 Cubic Feet
 - No Lighting
- North Palm Beach
 - Antenna 3 Cubic Feet
 - Cabinet 17 Cubic Feet
 - No Lighting

Telecommunications in ROW

Variance

- Fort Lauderdale:
 - Yes
- North Palm Beach
 - Yes

Telecommunications in ROW

Recommendation

- **Aesthetics - Appearance**
 - Stealth Design
 - Color Photo Simulation
 - No Signage
 - Specify Exterior Finishes
 - Minimize Visual Impact
 - Landscaping

Telecommunications in ROW

Recommendation

- **Height**
 - Pole Not to Exceed Height of Nearest Pole
 - Single Antenna +4'
 - Colocation +6' Per Antenna
 - 8' Clearance
 - Arterial Max 45'
 - Collector Max 35'
 - Local Max 20'

Telecommunications in ROW

Recommendation

- **Location**
 - Arterial as Preferred Location
 - Engineering Analysis Required All Other Streets
 - Pavement Separation Per FDOT Manual
 - If Residential on One Side – Pole to Other Side
 - Do not Impair Residential Views
 - 10' Setback from Residential Corner Lots
 - No Residential Front Yards
 - Located in Areas with Existing Vegetation
 - 350' Separation Between Poles
 - 1' off Sidewalk
 - Edge of ROW
 - Site Triangles

Telecommunications in ROW

Recommendation

- **Equipment size**
 - Antenna 3 Cubic Feet
 - Cabinet 17 Cubic Feet
 - No Lighting
- **Variance Procedure**
 - Provide

Telecommunications in Parks



Small Cell Deployment Strategy

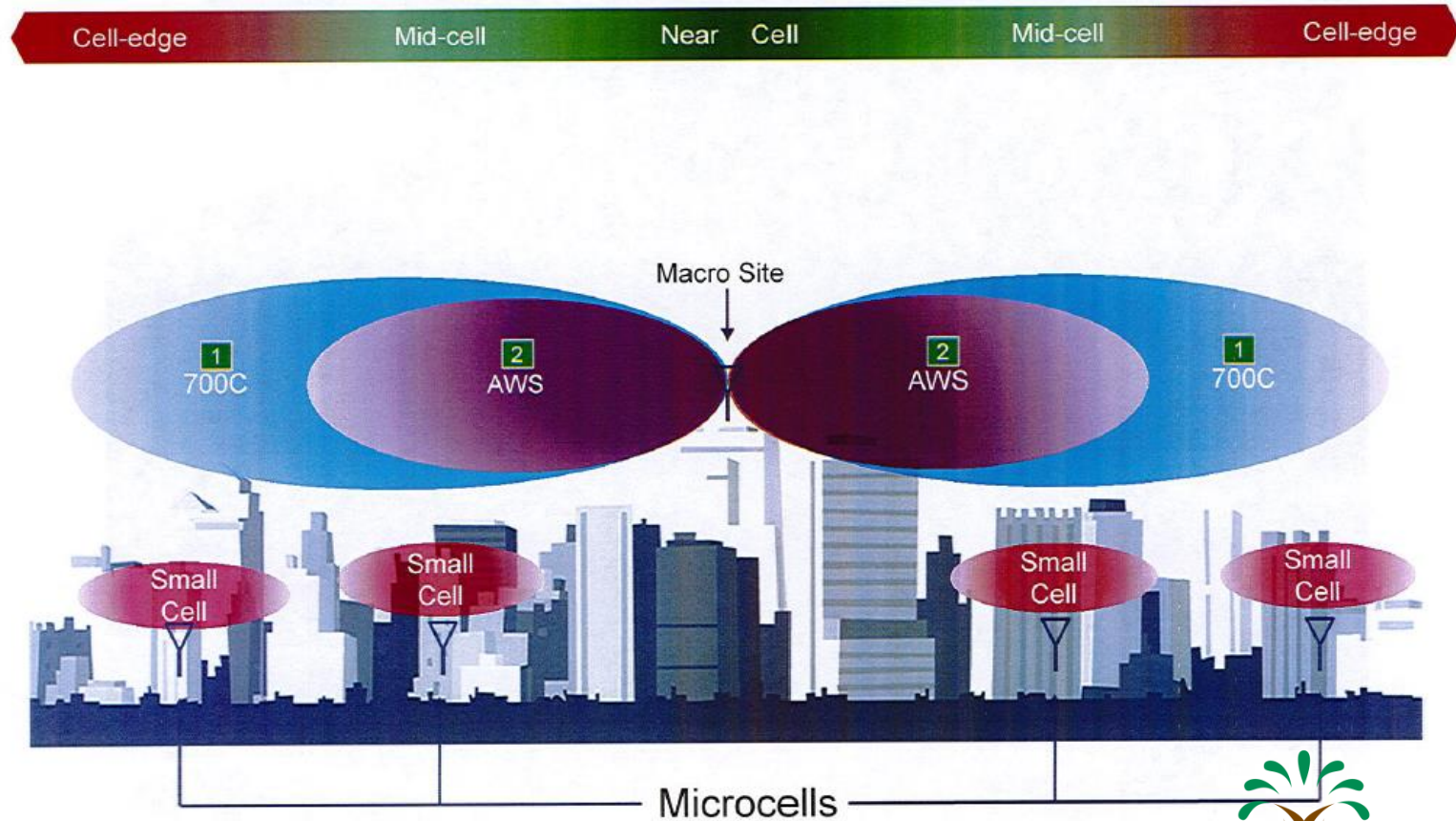
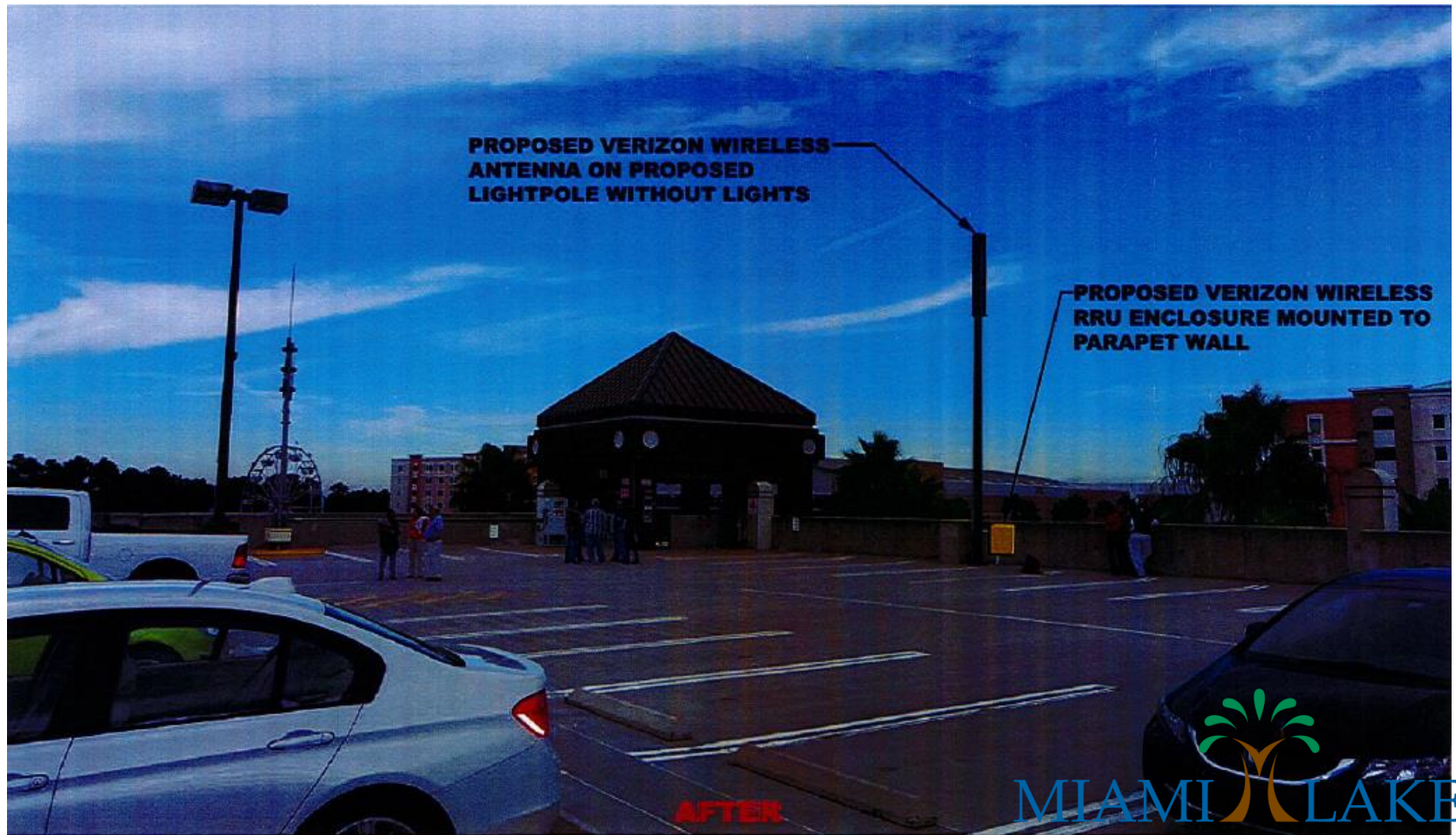


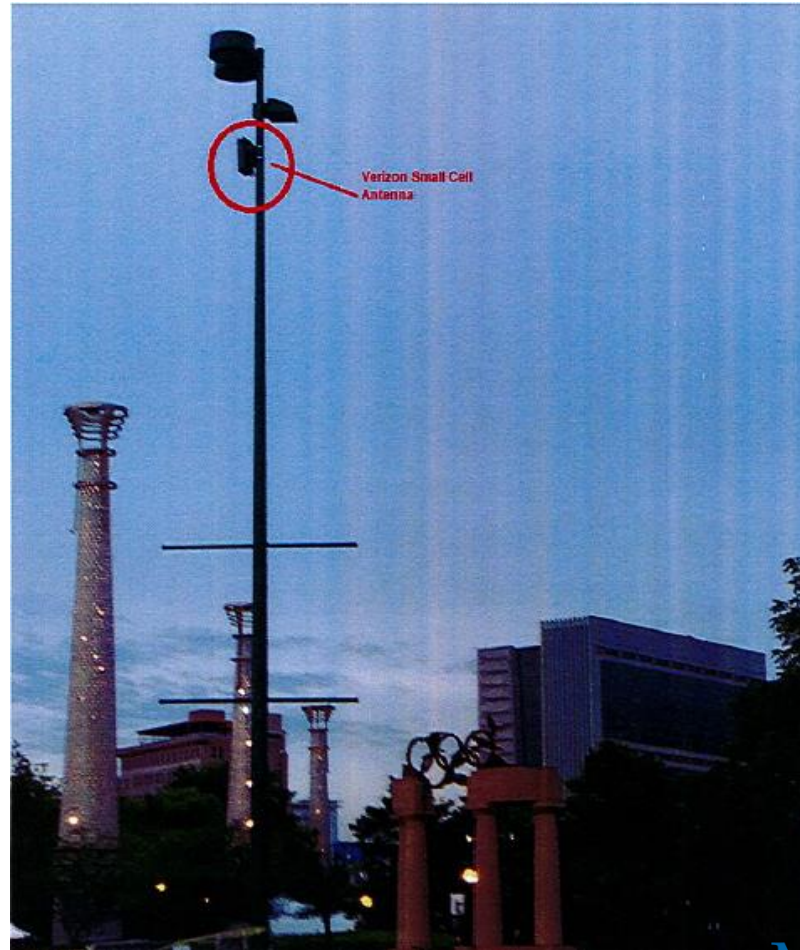
Photo Simulations Parking Garage



AFTER

MIAMI LAKES
Growing Beautifully

Actual Deployment of a Small Cell Antenna on Existing Light Pole



Telecommunications in Parks



100 SF. Flagpole Simulation



100 SF Flagpole Simulation



80 SF. Light pole Simulation



100 SF. Light pole Simulation





Thank you!