

providers and infrastructure companies have been seeking pole attachment agreements and applying for permits to install broadband infrastructure in rights-of-way throughout the State.

On July 18, 2017, New Port Richey City Council adopted Ordinance #2017-2120 imposing a 180-day moratorium on wireless facilities in the right-of-way in order to study the new legislation and prepare a code amendment. The moratorium expires in January 2018. In order to regulate installation of communication equipment and facilities, the City must approve an ordinance before the end of December. Ms. Fierce corrected stated the correct ordinance number is 2017-2129. She said a new version of the ordinance has been provided to the Board today which includes development standards.

Shawn Dressler, a consultant from Kimley Horn, prepared the ordinance for the City and gave a presentation to explain the Act and the City's options for regulation. The Act provides for access to public rights-of-way for various facilities, including: 1) collocation of small cell facilities on government-owned poles, 2) installation of new poles to accommodate facilities; 3) installation of ground mounted equipment; and 4) installation of micro cells. He said the purpose of the regulation is the address 5G technology.

Under the Act, wireless service providers may mount equipment on City-owned poles in the right-of-way. Mr. Doe explained that the City does not currently own any poles in the right-of-way. Most poles in the City are privately owned. Mr. Dressler explained that private owners are not obligated to allow wireless providers to install equipment on their poles. Wireless service providers can request that the City allow new poles to be constructed.

Wireless service providers may also install ground mounted equipment in the right-of-way. Ground mounted boxes may be up to 28 cubic feet in volume. Mr. Dressler explained that the proposed ordinance specifies that these boxes must be installed underground whenever possible.

The Advanced Wireless Infrastructure Deployment Act provides specific criteria for the permitting process and allowable fees. Before installing equipment, wireless service providers must register with the City, then they can submit an application for a right-of-way use permit. Each permit can cover up to 30 locations. The City has 14 days to either approve the permit or suggest another location for the equipment. The City has the option to either charge a permit fee of \$100 or increase the communication services tax rate. Mr. Dressler explained that New Port Richey's proposed ordinance includes a \$150 per year communication services tax increase. Mr. Dressler also reviewed the design standards outlined in the proposed ordinance and discussed the performance bond option.

Mr. Parillo asked if these devices produced an audible sound. Mr. Dressler said Mr. Smith asked about the spacing requirement between poles. Mr. Dressler said it varies. Mr. Smallwood and Mr. Maysilles suggested the City also draft standards for equipment mounted on privately owned buildings in the Downtown District. Mr. Smallwood asked who regulates when there is a conflict between antenna frequencies. Mr. Dressler responded that it was the Federal Communications Commission.

Mr. Maysilles asked what other cities have approved similar ordinances. Mr. Dressler said Plant City, Winter Park, Tampa, St. Petersburg and Orlando have regulations. Mr. Grey said they should be put on top of buildings.

Dr. Cadle made a motion to recommend approval of the amendment while addressing concerns raised by the LDRB. Ms. Moran seconded the motion. Roll call vote: Mr. Maysilles, yes; Mr. Smith, yes; Ms. Moran, yes; Mr. Grey, yes; Mr. Parrillo, yes; Mr. Smallwood, yes; and Dr. Cadle, yes. The motion passed (7-0).



VI. Code Amendment COD2017-08

Case: Code Amendment COD2017-08 – Prohibiting Call Centers & Nicotine Dispensing Device Centers in Downtown District
Applicant: City of New Port Richey, Debbie L. Manns, City Manager, 5919 Main Street, New Port Richey, FL 34652

Request: Review and recommendation of an amendment to the Land Development Code prohibiting call centers and nicotine dispensing device centers and defining drug paraphernalia in the Downtown District (Ordinance #2017-2128)

Staff Contact: Erica Lindquist, Planner, 727-853-1042, LindquistE@cityofnewportrichey.org

Ms. Fierce explained that the City Council requested a code amendment to prohibit call centers in the Downtown District. The prohibition of nicotine dispensing device businesses has also been included in the ordinance. The City has received several inquiries from these types of businesses wanting to locate downtown. The ordinance also specifies the definition of drug paraphernalia (which has long been prohibited) per Chapter 893 of the Florida Statutes. Existing businesses in the Downtown District would be required to stop selling nicotine dispensing devices.

Dr. Cadle made a motion to recommend approval of the amendment. Mr. Parrillo seconded the motion. Roll call vote: Ms. Moran, yes; Mr. Smallwood, yes; Mr. Smith , yes; Mr. Maysilles, yes; Mr. Parrillo, yes; Mr. Grey, yes; and Dr. Cadle, yes. The motion passed (7-0).

V. Adjourn:

Ms. Fierce thanked the Board members for attending the meeting, adding that the next meeting will be held on December 14, 2017. She wished everyone a Happy Thanksgiving.

The meeting adjourned at 3:17 p.m.

Respectfully submitted,



Erica Lindquist, Planner