



City of North Port
NEIGHBORHOOD DEVELOPMENT SERVICES DEPARTMENT

Scott Williams, Director
Direct: 941.429.7005
Fax: 941.429.7180
Email: swilliams@cityofnorthport.com



MEMORANDUM

TO: Peter Lear, City Manager
Amber Slayton, City Attorney

THRU: Scott Williams, NDS Director

FROM: Frank Miles, Planning Division Manager

SUBJECT: Wireless Communication Utilization of NP ROW 3rd Reading Comments/Corrections

DATE: February 21, 2018

Pursuant to direction made at the Commission meeting of Tuesday, January 23, 2018, staff has made the following changes and directional clarifications within the proposed Wireless Infrastructure Utilization of ROW Ordinance.

Consensus items directed and discussed:

- In Registration Section 86-7 clarify "*acknowledgement of receipt of ordinance*" (310) and the validity of the registration "*non-effectiveness*" (335) is revised for clarification
- Registration Section 86-7 (320) Commission pointed out that lines have been deleted in the current 2nd Reading version from the first reading version – *NOTE At first reading Commission directed the simplification of the registration process as it was too complicated.* The process was then revised to provide for a single registration requirement for a service provider, with a proviso that any changes in registration information be provided to the City. The latest Commission direction is for a renewal of the registration which would be required at a 2-year increment; bringing back the missing language which is now included. The *renewal shall also be simplified/and be merely an information verification*; it should not require all these steps and that is now included. What is unknown is whether a fee may be charged, and a legal determination is needed on that point, all other changes made.
- Opening section of Registration requirements now has "*first*" back in – in addition the entire *Registration (269-362) Section 86-7* has been broken down into easier understood headings and all language meaning clarified.
- Line 199 – upper case *P* on Public ROW added.

- Throughout the draft ordinance replace – “*Public Works Department or Director*”– and make the entire document more general, referencing instead the City of North Port. This would allow for flexibility as to administrative management within the City.
- Add an “*email*” notice contact in Registration Section 86-7 (276-283) and check for other omissions of an e-mail or electronic contact reference in the document. *Email*, in addition to regular mail and phone, is now added throughout
- Section 86-9 – Rules, Regulations and General Conditions - clarify to add language pertaining to “*routine maintenance*” (added as an additional section as (404-405) and a definition as to routine maintenance (218-219) and a clarification as to “*no cost to the City*” or “*provider expense*” (added throughout see below)
- Section 86-9 – Rules, Regulations and General Conditions (730) Remedy of Hazardous Conditions - doesn’t say who will determine emergency; same omission throughout – clarify that the *emergency is determined by the City* and added to the definition of “*emergency*”. Also made better definition of “*Micro Wireless Facility*” direct from Florida statute (164-167).
- Section 86-9 (618) Placement and Maintenance Standards – clarified to change “*locate*” to “*collocate*”
- Section 86-9 -Rules, Regulations and General Conditions (707-708) – *deleted “or (ii)...artistic vinyl wraps” and defined stealth design* in definitions (232-234)
- Section 86-9 Rules, Regulations and General Conditions (684-687) use of “*Stealth Design and Technology*” – changed to City of North Port as approver and that the requirements for lighting to meet City codes and ordinances, as to operation and maintenance (696-699).
- Section 86-9 Rules, Regulations and General Conditions (812-816)– clarify that the *provider will bear the expense* (all reference replaced throughout the document to clarify as provider expense)
- Section 86-13 © Administration of Charge (1042-1051) – have CA look at this section to assure that there will be a security fund transfer when new ownership takes place, be it registration or another avenue. In addition, there was some question as to the wording of Section 86-16 *Existing Communication or Wireless Facilities* and applicability of new ordinance. Security Fund Sec 86-25 also had considerable discussion as to its applicability to COMCAST comments.
- Proposed definitional amendments by COMCAST have been added to clarify the differentiation between wireless providers and video service providers. Except as noted above and here.
 - a. Section 86-8 Notice of Transfer, Sale or Assignment of Assets (375-376) change 30 to 60 days. Added additional processing time
 - b. Section 86-9 Rules, Regulations and General Conditions (414-416) added information clarifying aerial wireline systems

- c. Section 86-9 Rules, Regulations and General Conditions – (546-547-548) Comcast suggests the word “as” is confusing. No change here until CA review
 - d. Section 86-9 Rules, Regulations and General Conditions - (566) added wireless facilities to clarify language
 - e. Section 86-9 Rules, Regulations and General Conditions – (641) Comcast suggests this provision applies only to wireless facilities. Aerial wireline facilities cannot be co-located. No change here until CA review
 - f. Section 86-9 Rules, Regulations and General Conditions – (651) added Small Wireless Facility to sub heading to clarify applicability and (676) didn’t make change here since it was added to the heading
 - g. Section 86-9 Rules, Regulations and General Conditions – (686) inserted small wireless facilities to clarify wireline versus wireless applicability
 - h. Section 86-9 Rules, Regulations and General Conditions – (826-833) no change made here, Comcast indicates they don’t need to file “as built” the production of which is a burden, also added identification (886)
 - i. Section 86-13 Appeals (1020-1021) added language for appeal to all providers wireline and wireless and added electronic mail communication means
 - j. Section 86-16 Existing communications or wireless facilities (1057) Comcast indicates this provision cannot apply to them. No Change until CA review and same for *Section 86-25 Security Fund and 86-27 Liquidated Damages*. Comcast indicates the imposition of a Security Fund and liquidated damages are in violation of Florida Law. No change until CA review.
- Staff to clarify intent of ordinance (*added new intent in opening section*)