



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: August 19, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: Proposed Resolution Declaring a Moratorium on Permits for Wireless Support Structures For Distributed Antenna Systems

MEETING DATE: For Submission onto the August 20, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 8/20/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:



TO: Mayor and Council
FROM: Wendell Willard, City Attorney
DATE: August 20, 2013
ITEM: Proposed Resolution Declaring a Moratorium on Permits for Wireless Support Structures For Distributed Antenna Systems

Background:

Under the City's current ordinances, a business or an individual must obtain a use permit in order to install a wireless support structure for telecommunications within the City limits. Though our ordinances provide regulations which have proved successful to date, our staff has recently been approached about the installation of support structures for new wireless technology, Distributed Antenna Systems ("DAS"). Based upon these requests, we believe that the City's current regulatory framework as well as procedures for accepting, reviewing and processing applications for use permits for wireless support structure permits for DAS needs to be examined. A sixty (60) day moratorium on the issuance of any use permit for a wireless support structure for DAS would provide adequate time for staff to examine and evaluate the issues related to this new technology, and to provide the appropriate guidance and recommendations to the Council.

Discussion:

The proposed Resolution (a copy of which is attached hereto) imposes a sixty (60) day moratorium on the issuance of any use permit for wireless support systems for DAS. The moratorium would begin at 12:01 a.m. on August 21, 2013, and end at midnight on October 18, 2013, unless shortened or extended by Council.

This moratorium will allow the staff the opportunity to: (1) study the impact of the issuance of use permits for wireless support structures for DAS; (2) evaluate the application; (3) implement decision making process with regard to an application for said use permit.

Alternatives:

Issue or not issue a moratorium.

Financial Impact:

Having a more comprehensive application would likely result in less staff time required for review, evaluation and interaction with applicants.

Attachments:

Proposed Resolution

*Public
Works*

STATE OF GEORGIA
COUNTY FULTON

**A RESOLUTION DECLARING A MORATORIUM ON THE
ACCEPTANCE, REVIEW AND PROCESSING OF PROPOSED
APPLICATIONS FOR PERMITS FOR THE INSTALLATION
OF WIRELESS SUPPORT STRUCTURES FOR DISTRIBUTED
ANTENNA SYSTEMS AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and City Council of the City of Sandy Springs are charged with the protection of the public health, safety, and welfare of the citizens of Sandy Springs, Georgia (“City”); and

WHEREAS, the installation, expansion, maintenance, and aesthetics of wireless support structures can have significant impacts upon adjacent properties, property values, and the public health, safety, and welfare of citizens in nearby properties; and

WHEREAS, the Federal Telecommunications Act authorizes the City to regulate the placement of wireless support structure towers and facilities through proper zoning procedures, so long as wireless service coverage is not prohibited; and

WHEREAS, Federal Telecommunications Act allows local governments to provide for reasonable regulations over the location, expansion, height, and maintenance of wireless support structures; and

WHEREAS, the City has adopted an ordinance containing certain requirements for applicants to obtain a wireless support structure use permit, which ensures adequate wireless coverage while preserving the health, safety, and welfare of the citizens of the City, as well as preserving the aesthetic and historic nature of certain areas in the City; and

WHEREAS, City officials have been informed of new wireless support technology, Distributed Antenna Systems (“DAS”), and the City is concerned about the impact of the installation of wireless support structures for the use of said DAS in the City; and

WHEREAS, because City officials have been informed that said DAS will be located on structures within the right-of-way, it is necessary for the City to ensure the safety of such structures for use of said DAS; and

WHEREAS, it is necessary for City officials to have a reasonable amount of time to analyze the impact of the installation of wireless support structures for DAS and to consider and adopt zoning, land use, inspection, permitting, franchising of right-of-way use, and other licensing ordinances and procedures, and to prepare application forms for processing such variances, permits and licenses; and

WHEREAS, a moratorium is necessary to suspend the City's acceptance, review and processing of applications for all wireless support structure use permits for DAS, beginning August 21, 2013 at 12:01 a.m. and ending at midnight on October 18, 2013; and

WHEREAS, existing businesses or individuals operating within the City of Sandy Springs with valid wireless support structure use permits should be allowed to continue to operate during this moratorium;

NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, AS FOLLOWS:

1. The moratorium imposed herein incorporates the findings and statements set forth in the preceding "Whereas" clauses and such clauses are made a part of this moratorium. The aforesaid recitals are not mere recitals, but are material portions of this Resolution.
2. This moratorium becomes effective at 12:01 a.m. on August 21, 2013. The City of Sandy Springs adopts and approves a moratorium as set forth herein;
3. From 12:01 a.m. on August 21, 2013 until midnight on October 18, 2013, notwithstanding any provision of the Ordinances of Sandy Springs, Georgia to the contrary, there shall be a complete moratorium on the City's acceptance, review and processing of any new applications for wireless support structure permits for DAS.
4. This moratorium shall expire at midnight on October 18, 2013, and be of no force and effect, unless shortened or extended by an official action of the City of Sandy Springs Council.
5. If any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances shall not be affected.

RESOLVED AND ADOPTED by the City Council of the City of Sandy Springs, Georgia, this 20th day of August, 2013.

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)