



TOWN OF CHEVERLY, MARYLAND
MAYOR AND TOWN COUNCIL

WORKSESSION
THURSDAY, JANUARY 24, 2019

6:00PM

Closed Session:

Pursuant to § C-13 of the Town Charter, the Mayor and Council of the Town of Cheverly will convene a special meeting at 6:00PM, Thursday, January 24, 2019 at Cheverly Town Hall, 6401 Forest Road, Cheverly, MD 20785.

Pursuant to Maryland Code, § 3-101 et seq., of the General Provisions Article, the Mayor and Council will meet briefly in open session in order to vote to close the meeting to consult with counsel to obtain legal advice, § 3-305(b)(8)

7:30PM

AGENDA


1. Pledge of Allegiance
2. Woman's Club Comments
3. Selection of Resident to fill Vacant Ward 2 Council Seat
4. Air Quality Monitoring Proposal Update
5. Wireless Facilities and Support Structures (Small Cell): Emergency Ordinance
6. FY2018 Audit Update
7. Tall Grass – Town Code Issue
8. Ethics Ordinance Update
9. Resolution R-1-19: Appointment of Members of the Board of Election Supervisors
10. Resolution R-2-19: Appointment of Election Judges
11. Council Updates

Next Meetings of the Mayor and Town Council

February 14, 2019 Town Meeting 8pm
February 28, 2019 Worksession 7:30pm



MEMO

Date: January 22, 2019
To: Mayor and Council
From: David J. Deutsch 
Interim Town Administrator
Subject: Worksession on January 24, 2019

1. Woman's Club. Ms. Lang asked to make brief comments regarding the 100th Anniversary of the Club.
2. Ward 2 Vacancy. You have received the materials from the three applicants, Mr. Espinosa, Ms. Hallman and Mr. Watson. Also, the Town Clerk has been forwarding resident endorsements of candidate as we have received them.
3. Air Quality Monitoring Project. Mayor Callahan will provide an update.
4. Small Cell 5G Issue. An Emergency Ordinance is before you for action. The Town Attorney will be in attendance to address any questions.
5. Audit Update. The Interim Town Administrator will brief the Mayor and Town Council on the audit status.
6. Tall Grass. A brief conversation is needed to make sure staff understands your policy "directive". We can then have an Ordinance on the February 14th Town Meeting Agenda for Introduction.
7. Ethics Ordinance. Discussion needs to focus on two items: (1) Amending the Ordinance to add a seventh member, and (2) a status report on Commission membership.
8. Board of Election Supervisors. We need names.
9. Election Judges. We need names.

TOWN OF CHEVERLY ADMINISTRATIVE REGULATION 2019-01

Chapter 24 of the Town Code

Wireless Facilities and Support Structures

Adopted January 11, 2019.

I. Town Authority Over Rights of Way, Town Streets, and Sidewalks.

Pursuant to the Town's Charter and Code, including, but not limited to, §C-23 of the Town's Charter and Chapter 24 of the Town Code, the Town has near absolute authority to regulate construction, installation of improvements, or modification of any structure in, on, over, and under, the Town's rights of way, streets and sidewalks.

II. Adoption of Regulation.

A. Pursuant to the authority granted to the Town Administrator by the Town of Cheverly's Charter and Code, I hereby adopt regulatory authority for which wireless facilities and support structures shall be governed within the Town of Cheverly, Maryland, until such a time as these regulations are superseded by legislative action. The regulations that shall govern from the effective date in part III, *infra*, are set forth in the draft Town of Cheverly ordinance for Wireless Facilities and Support Structures, a copy of which is attached hereto and incorporated herein by reference.

B. The fee for the permit application and review shall be \$1,500.

C. Permit application and review by the Department of Public Works shall not exceed 120 days. The Director of Public Works may grant one 60-day extension. Thereafter, only the Town Administrator may grant an extension for good cause shown.

D. If the Department of Public Works' denies the permit, the decision may be appealed to the Town Administrator. The Town Administrator's decision shall be final.

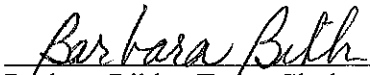
III. Effective Date.

This regulation is effective on January 11, 2019.

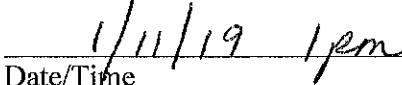
Town of Cheverly


David Deutsch, Interim Town Administrator

Attest:



Barbara Bibbs, Town Clerk



Date/Time

EXHIBIT 1
TOWN OF CHEVERLY ADMINISTRATIVE REGULATION 2019-01
WIRELESS FACILITIES AND SUPPORT STRUCTURES

January 11, 2018

TOWN OF CHEVERLY
ORDINANCE 2019-__
EMERGENCY ORDINANCE

An Ordinance whereby the Town of Cheverly amends Chapter 24 of the Town of Cheverly Code in order to regulate the installation and construction of wireless facilities and supporting structures.

WHEREAS, the United States Government, via the Federal Communications Commission, has taken action that undermines the authority of the Town of Cheverly to regulate the installation, appearance, and location of wireless facilities and supporting structures if the Town does not have certain regulatory and/or legislative authority in place by certain dates; and

WHEREAS, Local Government Article § 5-202(1), (2) & (5) of the Maryland Code grant to municipalities the power to adopt ordinances to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, and to protect the health, comfort, and convenience of the residents of the municipality; and

WHEREAS, § C-23 the Town Charter grants to the Town Council the power to pass all such ordinances, resolutions and laws not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town in order to promote health, safety, comfort, convenience, welfare and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, pursuant to § C-23 of the Town's Charter and Chapter 24 of the Town Code, the Town has near absolute authority to regulate construction, installation of improvements, or modification of any structure in, on, over, and under, the Town's rights of way, streets and sidewalks; and

WHEREAS, the Town deems it to be necessary and appropriate to provide certain standards and regulations relating to the location, placement, design, construction and maintenance of telecommunications towers, antennas and other structures within the Town's public rights of ways, and providing for the enforcement of said standards and regulations, consistent with federal and state law limitations on that authority;

WHEREAS, pursuant to § C-14 of the Charter the Mayor and Council have authority to enact emergency legislation by the affirmative vote of a majority of the members of the Council.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cheverly in regular session assembled that Chapter 24 of the Town Code is hereby amended and renumbered as follows:

EXHIBIT 1
TOWN OF CHEVERLY ADMINISTRATIVE REGULATION 2019-01
WIRELESS FACILITIES AND SUPPORT STRUCTURES

January 11, 2018

Chapter 24

STREETS, SIDEWALKS, AND OTHER
PUBLIC WORKS PROJECTS, AND
WIRELESS FACILITIES AND SUPPORTING STRUCTURES

§ 24-1. Public works projects.

§ 24-17. Application for Permit.
§ 24-18. Requirements and findings.
§ 24-19. Exceptions.
§ 24-20. Violations and penalties.

ARTICLE I

Streets, Sidewalks, and Other Public Works Projects

ARTICLE II

Wireless Facilities and Supporting Structures

§ 24-17. Application for Permit.

A. The installation of wireless facilities and support structures in a Town right-of-way shall require a permit under this chapter. No permit shall be issued with respect to the installation of wireless facilities or support structures in, on or over any Town street, sidewalk, or right-of-way unless and until the permit applicant and the Town have negotiated and executed a franchise or right-of-way use agreement setting forth the terms and conditions, including fair compensation to the Town, for applicants' use of Town right-of-way, and where applicable, lease payments for the use of any Town-owned poles or facilities.

B. In addition to the other information required by this article, an application for such a permit shall submit the following information pertaining to particular sites or a proposed deployment:

1. A technical description of the proposed facilities, along with detailed diagrams accurately depicting all proposed facilities and support structures;

2. A detailed deployment plan describing construction planned for the 12-month period following the issuance of the permit, and a description of the completed deployment;

EXHIBIT 1
TOWN OF CHEVERLY ADMINISTRATIVE REGULATION 2019-01
WIRELESS FACILITIES AND SUPPORT STRUCTURES

January 11, 2018

- 1 3. An engineering certification relating to the proposed construction signed by a
2 professional engineer licensed in Maryland;
3
4 4. A statement describing the applicant's intentions with respect to collocation;
5
6 5. A statement demonstrating the permittee's duty to comply with applicable safety
7 standards for the proposed activities in the Town rights-of-way;
8
9 6. In the case of a proposed attachment to a Town-owned facility located in the Town
10 rights-of-way, an executed attachment agreement with the Town;
11
12 7. In the case of a proposed attachment to an investor-owned utility pole in the rights-
13 of-way, an executed attachment agreement with the utility pole owner; and
14
15 8. Such other information as the Town Administrator may require.

16
17 C. The applicant shall pay a processing fee to the Town at the time of application to install
18 wireless facilities in a public right of-way is made, in addition to any other fees required by this
19 chapter or by this code generally. The amount of the fee shall be set by the Town Administrator.
20

21 **§ 24-18. Requirements and findings.**

22
23 A. Wireless facilities and support structures proposed to be located on streets, sidewalks or
24 other rights-of-way in the Town shall meet the following requirements:

- 25
26 1. Absent a special finding by the Town Administrator:
27
28 a. Wireless facilities may only be installed on existing utility poles or light poles;
29 and
30
31 b. Only entities authorized by the Maryland Public Service Commission pursuant
32 to MD. Code Ann., Public Utilities Art., §§ 5-410, 8-103, as amended from time to
33 time, may erect new poles in the Town's right-of-way, and only then for the purpose
34 of supporting telephone lines to provide telephone service.
35
36 2. Any new pole including a replacement pole, installed in Town rights-of-way to
37 support wireless facilities shall:
38
39 a. Comply with all structural and safety standards specified by the Town
40 Administrator;
41
42 b. Not obstruct pedestrian or vehicular traffic flow or sight lines;
43

EXHIBIT 1
TOWN OF CHEVERLY ADMINISTRATIVE REGULATION 2019-01
WIRELESS FACILITIES AND SUPPORT STRUCTURES

January 11, 2018

1 c. Not exceed the average height of the existing street light poles or utility
2 poles within the area extending one thousand (1,000) feet in any direction of the
3 proposed structure;

4
5 d. Shall be designed to accommodate the collocation of at least three (3)
6 different wireless providers' antennas and related equipment;

7
8 e. If metal, be treated or painted with non-reflective paint, and in a way to
9 conform to or blend into the surroundings; and

10
11 f. Comply with such other requirements and conditions as the Town
12 Administrator may conclude are appropriate to impose.

13 3. Any wireless facilities installed on a pole or any other structure in the rights-of-way
14 shall:

15
16 a. Have equipment box or boxes no greater in collective size than 17 cubic feet in
17 volume with no one side/dimension exceeding four and ¼ (4.25) feet;

18
19 b. Have panel antennas no greater than two (2) feet in height, and omni/dome
20 antennas no greater than four (4) feet in height and no wider than three (3) feet in
21 diameter;

22
23 c. Have no more than three (3) panel antennas per pole, and no more than one
24 omni/dome antennas per pole;

25
26 d. Have microwave dishes no greater than two (2) feet in diameter, with no more
27 than 3 microwave dishes per pole;

28
29 e. Be located and designed, including materials, color, and texture, so as to
30 minimize visual impact on surrounding properties and as seen from the streets and
31 sidewalks; and

32
33 f. Comply with such other requirements and conditions as the Town Administrator
34 may conclude are appropriate to impose.

35
36 B. Wireless facilities and support structures proposed to be located on streets, sidewalks or
37 other rights-of-way in the Town may be permitted upon a finding by the Town Administrator that:

38
39 1. The application complies with all standards and requirements set forth in § 24-18A;

40
41 2. The location selected in the application is not in an area where there is an over-
42 concentration of poles or other facilities in, on or over the streets, sidewalks or other rights-
43 of-way;

EXHIBIT 1
TOWN OF CHEVERLY ADMINISTRATIVE REGULATION 2019-01
WIRELESS FACILITIES AND SUPPORT STRUCTURES

January 11, 2018

1 **AND BE IT FURTHER ORDAINED**, that a fair summary of this ordinance shall
2 forthwith be published twice in a newspaper having general circulation in the Town and otherwise
3 be made available to the public.

4
5 **INTRODUCED** by the Town Council of the Town of Cheverly, Maryland, at a regular
6 public meeting on **January 24, 2019**.

7
8 **ADOPTED** by the Town Council of the Town of Cheverly, Maryland, at a regular public
9 meeting on **January 24, 2019**.

10
Adopted: _____

Attest:

Barbara Bibbs, Town Clerk

Michael Callahan, Mayor

11

12 ⌈⌋ indicate deletions

13 Underline indicates additions

14 Asterisks * * * Indicate matter retained in existing law but omitted herein

15 **Effective Date: January 24, 2019**

16

RESOLUTION R-1-19

Appointment of Members of the Board of Election Supervisors

WHEREAS, the Mayor and Council of the Town of Cheverly, Maryland desire to make appointments to the positions of election clerks.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of Section C-18A of the Charter of the Town of Cheverly, Maryland, the following persons are appointed as members of the Board of Election Supervisors for a two (2) year term:

_____ - **Term 2019-2020**

_____ - **Term 2019-2020**

These appointments are effective on the date of this resolution.

Adopted: January 24, 2019

Attest: _____

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

RESOLUTION R-2-19

Appointment of Election Judges

WHEREAS, the Mayor and Council of the Town of Cheverly, Maryland desire to make appointments to the positions of election clerks.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of Section C-18C of the Charter of the Town of Cheverly, Maryland, the following persons are appointed as election clerks to assist the Board of Election Supervisors in the registration of voters and the conduct of elections in **2019**:

WARD 1: _____

WARD 2: _____

WARD 3: _____

WARD 4: _____

WARD 5: _____

WARD 6: _____

These appointments are effective on the date of this resolution.

Adopted: January 24, 2019

Attest: _____

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember