TOWN OF BEAUX ARTS VILLAGE
PLANNING COMMISSION
MINUTES

March 21, 2019
Tegeler

Present: Chairperson Steve Tegeler, Commissioners Jeremy Laws, Kim Moloney, James McCarthy
Excused: None
Staff: Planner Mona Green, Deputy Clerk Angela Kulp
Guests: None

Chairperson Tegeler called the meeting to order at 7:04pm.

MINUTES: Commissioner Moloney moved to approve the February 28, 2019 minutes as written. Commissioner Laws seconded. Vote: 4 For, 0 Against. Motion carried.

COUNCIL UPDATE: Deputy Clerk Kulp confirmed the Council:
- Is working on confirming a new Planning Commissioner soon
- Does not have any changes to communicating with the Planning Commission
- Has approved the Right-of-Way flyer with the word change; staff will begin distribution soon.

OLD BUSINESS: There was no old business to discuss.

NEW BUSINESS: Shoreline Master Plan Update
Planner Green was prepared to outline the state’s Shoreline Master Plan update schedule and its history for visiting guests, but there were no guests in attendance. She reminded the commissioners there have been no updates to our own shoreline needed since the 2014 state adoption of the plan. As part of the state’s requirement, the Planning Commission held a public hearing.

Chairperson Tegeler opened the public hearing at 7:07 pm.
There were no members of the public in attendance to comment. There were no comments received to read into the record.

The public hearing closed at 7:08pm.

The commissioners agreed they had done their due diligence and since no upgrades are needed to the existing Shoreline Plan, they reaffirmed our plan is current. Commissioner Laws moved to send the existing plan forward to the Council and recommended the Shoreline Plan be re-adopted with no changes. Commissioner Moloney seconded. Vote: 4 For, 0 Against. Motion carried.

Approved March 21, 2019 Planning Commission Minutes
NEW BUSINESS: 5G Technology Analysis
Deputy Clerk Kulp shared the Mayor wants the Planning Commission to take on a large topic that will impact the Village in the coming future. That topic is the coming 5G cellular technology, which is very different than the past technology (5G allows for small site placement, not water tower-type installs). Mayor Gillem was hoping to join the Planning meeting, but was unable due to his work travels. Deputy Clerk Kulp distributed the Mayor’s scope and some details on this request, which included the Town’s objective and request for the Planning Commission’s analysis. His request also noted the FCC has now limited city/towns ability to control installations, and the technology reduces the radius of locations, thus it does matter to the Town.

The Planning Commissioners reviewed the scope of the 5G for small cities pre-emption order, and began their discussions of understanding this technology and how it will impact the Town’s service and design. Commissioners were surprised to hear the FCC passed a ruling that took effect in January for the 5G process, and how it impacts what little local jurisdictions can do about it, including having limited time to respond to a request, and where the equipment can be located. Commissioners were also surprised to learn the FCC ruling does not allow for local jurisdictions to prevent their installation, it limits the fees collected and does not allow for a revenue stream.

Planner Green shared her experience of how other small jurisdictions for which she also works, have already been through this process of researching, studying and adopting regulations where applicable, or fighting the process through the courts. She noted how the 5G technology is not just for improved cell coverage, but for the next generation of smart devices to communicate with one another. She explained how the hardware cannot be undergrounded, but must be hardwired on mounted poles every 500’, carriers cannot co-locate easily, and poles may be up to 50’ in height. Planner Green did note that local jurisdictions have a voice in pole aesthetics, land-use siting, design elements and franchise agreements.

Discussion ensued about understanding the technology, concerns over the number of carriers and thus poles, co-locating limitations, and realization of the need for what regulations can be in place sooner than later. Commissioner Moloney noted the national security concerns of 5G and the race with China to control this technology. Chairperson Tegeler expressed leveraging what could the Town get in return for this requirement. Commissioner McCarthy shared his health concerns about it and Planner Green noted the town’s restrictions from the FCC over any issues raised.

Commissioners agreed other jurisdictions already doing this research may allow us to follow their lead with less investment for quicker response. Planner Green shared that other small jurisdictions found a joint education session to be helpful and recommended our Planning Commission and Council follow suit. The commissioners agreed, and added that the public should be encouraged to come and learn during a joint education session as well, since so much of this process is out of the local jurisdiction’s control. Planner Green agreed to reach out to her contacts in an effort to schedule a joint session soon.
OTHER NEW BUSINESS:
Commissioner Laws expressed a concern about homes that are not owner-occupied or
maintained and how that impacts the community. A short discussion centered on the
state nuisance law and if that would apply, how many properties would this impact and if
there is really a problem. Planner Green noted she would look at any codes that
applied, for further discussion. Staff noted that if the Planning Commission then agreed
there was a problem needing a solution, they could ask the Council for approval to
investigate further.

Chairperson Tegeler raised a concern about clarification and interpretation of the
Zoning Code’s impervious definition for how decks were treated in the code. Planner
Green expressed a need to review the new changes to the Zoning Code and agreed to
get back to him with answers for his project.

Adjourn: Chairperson Tegeler moved to adjourn the meeting. Commissioner Moloney
seconded. Meeting adjourned at 8:20pm. Vote: 4 For, 0 Against. Motion carried.

Next Meeting: The next regular Planning Commission meeting will be held on April 18,
2019 at 7:00pm.

Respectfully submitted,
Angela Kulp, Deputy Clerk