

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 6:00 p.m., on the 9th day of January, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dan Under, Greg Insco, Raj Rajagopal

Mr. Unger introduced the following resolution and moved its adoption:

RESOLUTION NO. 3 -18

RESOLUTION IMPOSING EXTENSION OF ADDITIONAL ONE YEAR MORATORIUM UPON THE APPROVAL, ISSUANCE, AND/OR PROCESSING OF ANY PERMITS ALLOWING THE CONSTRUCTION, INSTALLATION, AND/OR MODIFICATION TO FACILITIES PERTAINING TO MINI CELL TOWERS WITHIN THE RIGHTS-OF-WAYS AND/OR RESIDENTIAL AREAS OF COLERAIN TOWNSHIP, OHIO

WHEREAS, at Resolution No. 3-17, the Colerain Township Board of Trustees imposed a one (1) year moratorium on the approval, issuance, and/or processing of any permits allowing the construction, installation, and/or modification to facilities pertaining to mini cell towers within the rights-of-ways and/or residential areas within the township; and

WHEREAS, Resolution No. 3-17 of the Colerain Township Board of Trustees took effect upon January 10, 2017; and

WHEREAS, Ohio Revised Code Section §519.211 authorizes a township board of trustees to regulate telecommunication towers in residential areas in the Colerain Township and the Colerain Township wishes to regulate and manage its public rights-of-way; and

WHEREAS, there have been both technological advancements and legal developments and the Colerain Township Board of Trustees seeks time to study and address the new and unique issue concerning the installation of mini cell towers within the rights-of-ways and residential areas of Colerain Township; and additional time to for the development and implementation of regulations regarding mini cell towers, the siting of such wireless facilities and utilities in a way that addresses local concerns, new standards, and policies as determined by a utilities facilities plan; which will provide the public with access to utility and wireless services, and complies with federal and state law; and

WHEREAS, for the purposes of this resolution, Colerain Township defines “Mini Cell Towers” to include, but not be limited to, all of the following categories:

“Wireless facilities” - meaning an antenna, accessory equipment, or other wireless device or equipment used to provide wireless service; and

“Wireless support structures” - meaning a pole, such as a monopole, either guyed or self-supporting, light pole, traffic signal, sign pole, or utility pole capable of supporting wireless facilities. As used in section 4939.031 of the Revised Code, “wireless support structure” excludes a utility pole or other facility owned or operated by a municipal electric utility; and

“Small cell facility” - meaning a wireless facility where each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume and all other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume and if the wireless facility were placed on a wireless support structure, the increased height would be not more than ten feet or the overall resulting height would be not more than fifty feet. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services; and

“Micro wireless facility” - including both a distributed antenna system and a small cell facility, and the related wireless facilities; and

“Distributed antenna system” - meaning a network or facility to which all of the following apply: (1) It distributes radio frequency signals to provide wireless service; (2) It meets the height and size characteristics of a small cell facility; (3) It consists of remote antenna nodes deployed throughout a desired coverage area; has a high-capacity signal transport medium connected to a central hub site; and equipment located at the hub site to process or control the radio frequency signals through the antennas; (4) It conforms to the size limitations specified in definition of a “small cell facility” in this section; and

WHEREAS, in order to complete this review, develop a utilities facilities plan/ordinance/resolution, and/or permitting process and/or review and make recommendations on zoning, prohibition and/or limitations of mini cell; Township staff will require additional time towers to accomplish the aforementioned so that any necessary regulations, processes, etc., conform to goals of the Colerain Township and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, Resolution No. 3-17 of the Colerain Township Board of Trustees is set to expire on January 10, 2018, and that the Colerain Township Board of Trustees herein states its desire to extend the initial moratorium for an additional one (1) year period in order to continue to undertake a review of the new law and related issues and to have staff recommend resolutions to the Board regarding the approval, issuance and processing of permits for the construction, installation, and/or modification of mini cell towers within the rights-of-ways and residential areas of Colerain Township; and

WHEREAS, the extension of an additional one (1) year to the current moratorium on the granting of permits for mini cell towers in the rights-of-ways and residential areas of Colerain Township will allow the Board of Trustees time to accomplish the Township’s goals and help ensure the public peace, health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COLERAIN TOWNSHIP BOARD OF TRUSTEES, __ members elected thereto concurring:

1. The Board of Trustees hereby imposes an additional one (1) year extension on the moratorium put in place by Resolution No. 3-17 on the approval, issuance and processing of any permits for the construction, installation, and/or modification of mini cell towers within the rights-of-ways and residential areas of Colerain Township. The purpose of this temporary moratorium is so that Township staff may further study the laws and the related issues and then determine what, if any, regulations regarding the location and installation of mini cell towers within the rights-of-ways and residential areas of Colerain Township are necessary, and to prepare any such related regulations.

2. The Board of Trustees seeks to limit the duration of the moratorium and to instruct the Township Administrator and Township staff to immediately undertake a review of the law and related issues; Township staff will then recommend new regulations regarding the location and installation of mini cell towers within the rights-of-ways and residential areas of Colerain Township.

3. The Board of Trustees hereby directs and orders that no permits for the installation of any new mini cell towers within the residential areas of Colerain Township be issued or processed by the Township during the one (1) year moratorium.

4. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and

5. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and hereby authorizes the adoption of the Resolution upon its first reading.

6. This Resolution shall take effect on the earliest date permitted by law.

Mr. Insko seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:


Vote Record: Mr. Unger Aye, Mr. Insko Aye, Mr. Rajagopal Aye

ADOPTED this 9th day of January, 2018.

BOARD OF TRUSTEES:



Dan Unger, Trustee




Greg Insco, Trustee



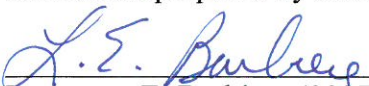
Raj Rajagopal, Trustee

ATTEST:



Heather E. Harlow,
Fiscal Officer

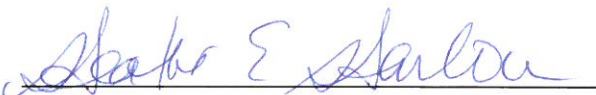
Resolution prepared by and approved as to form:



Lawrence E. Barbieri (0027106)
Scott A. Sollmann (0081467)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 583-4200
Colerain Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township
Fiscal Officer this 9th day of January, 2018.



Heather E. Harlow,
Colerain Township Fiscal Officer