

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc.

Resolution No. 29-2018

Passed 9/25, 2018

A RESOLUTION EXPRESSING OPPOSITION TO THE FEDERAL COMMUNICATIONS COMMISSION'S PROPOSED DECLARATORY RULING AND THIRD REPORT AND ORDER, "STREAMLINING DEPLOYMENT OF NEXT GENERATION WIRELESS INFRASTRUCTURE."

WHEREAS, small cell technology, a tool to improve communication accessibility for the general population and businesses, requires extensive intrusion into the right-of-ways of municipalities across the country; and

WHEREAS, the city of West Carrollton recognizes the value of small cell technology, and want to encourage its implementation, as long as it is done in a safe and prudent manner; and

WHEREAS, the city of West Carrollton, the Ohio General Assembly, and the major telecommunication companies spent eight months of negotiating and developing regulations to govern the placement, installation, and maintenance of small cell facilities as well as a fair fee structure to cover such placement, installation, and maintenance, which resulted in House Bill 478 and codified in the Ohio Revised Code, Chapter 4939; and

WHEREAS, those regulations were designed to allow the installation of small cell facilities throughout the city of West Carrollton, but at the same time provide safeguards that protected the aesthetic standards and public infrastructure as well as the residents' safety; and

WHEREAS, the Federal Communications Commission ("FCC") now has before it a proposed Declaratory Ruling and Third Report and Order titled, "*Streamlining Deployment of Next Generation Wireless Infrastructure*;" and

WHEREAS, this report proposes new regulations that are contrary to those now contained in the Ohio Revised Code; and

WHEREAS, the provisions in this proposal will greatly negatively impact the ability of the city of West Carrollton to protect the health, safety and welfare of their residents by allowing placement of small cell facilities on any publicly-owned structure in the right-of-way, regardless of whether that structure already has wireless equipment on it, or whether it has been zoned for placing that equipment, or even if they can support such facilities; and

WHEREAS, these proposed regulations will permit taller small cell facilities and reduce the municipalities' ability to include aesthetic requirements on the placement and installation of small cell facilities; and

WHEREAS, those proposed regulations further include a "one size fits all" approach to review of small cell facility installation applications, without regard to a communities' size and resources that impacts its abilities to properly and timely review such applications; and

WHEREAS, on behalf of the residents of the city of West Carrollton object to this proposal as counter-productive to the safe and effective installation of small cell facilities; and

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WHEREAS, the city of West Carrollton believes that the regulations codified in the Ohio Revised Code are both fair and effective, and should remain in place rather than superseded by regulations that will fail to protect the health, safety, and welfare of their residents and expose wireless infrastructure providers to unnecessary liability.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, MONTGOMERY COUNTY, OHIO, THAT:

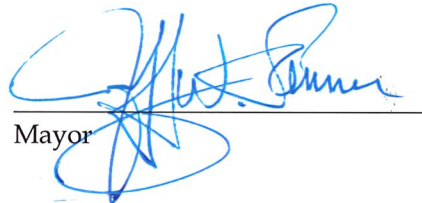
Section 1. The city of West Carrollton hereby declares its opposition to the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment known as *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84 and WT Docket No. 17-79.

Section 2. The city of West Carrollton hereby urges the FCC to allow comprehensive state legislation, such as that codified in the Ohio Revised Code, Chapter 4939, govern the placement, installation, and maintenance of small cell facilities, as those regulations are reflective of the needs, issues, conditions, and concerns of that state's communities and constituents.

Section 3. That a copy of this Resolution be filed with the FCC and forwarded to U.S. Representatives Steven Chabot, Michael Turner, and Warren Davidson and to U.S. Senators Robert Portman and Sherrod Brown.

Section 4: This Resolution shall take effect from and after the date of its passage, the earliest period allowed by law.

Passed: 9-25-18


Mayor

Attest: 
Clerk of Council

Effective Date: _____