



Arthur A. Mendonsa Hearing Room
December 16, 2014 1:00 P.M.
MINUTES

December 16, 2014 MPC Planning Meeting

Members Present: W. Shedrick Coleman, Chairman
Murray Marshall, Vice-Chairman
James B. Blackburn, Jr., Secretary
Lacy Manigault, Treasurer
Ellis Cook
Stephanie Cutter
Timothy Mackey
Tanya Milton
W. James Overton

Members Not Present: Ben Farmer
Susan Myers
J. Adam Ragsdale
W. Lee Smith
Joseph Welch

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
Gary Plumbly, Director, Development Services
Marcus Lotson, Development Services Planner
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant

Advisory Staff Present: None

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [January 13, 2015 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)
2. [January 27, 2015 MPC Planning Meeting at 1:00 PM in the Arthur A. Mendonsa Room, 112 East State Street](#)

V. PRESENTATIONS

VI. ITEM(S) REQUESTED TO BE REMOVED FROM THE FINAL AGENDA

The Consent Agenda consists of items for which the applicant is in agreement with the staff recommendation and for which no known objections have been identified nor anticipated by staff. Any objections raised at the meeting will result in the item being moved to the Regular Agenda. At a 12:30 briefing, the staff will brief the Commission on Consent Agenda items and, time permitting, Regular Agenda items. No testimony will be taken from applicants, supporters or opponents, and no votes will be taken at the briefing.

VII. CONSENT AGENDA

Approval of MPC Planning Meeting Minutes

3. [September 30, 2014 MPC Planning Meeting Minutes](#)

Attachment: [09.30.14 PLANNING MINUTES.pdf](#)

Board Action:

Approve minutes as submitted. - PASS

Vote Results

Motion: Ellis Cook

Second: Murray Marshall

James Blackburn Jr.	- Aye
Ben Farmer	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Not Present
James Overton	- Aye
W. Lee Smith	- Not Present
Joseph Welch	- Not Present
Timothy Mackey	- Aye
Adam Ragsdale	- Not Present

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

X. REGULAR BUSINESS

None

4. [SAGIS.org Hosting Transfer - Noel Perkins](#)

Mr. Noel Perkins, Director of Savannah Area Geographic Information Systems, highlighted and demonstrated the capability of SaGis.org and its new features.

5. [FCC Telecommunication New Rule - Jack Butler](#)

Attachment: [Thomson Planning Commission FCC Rule Changes 102914 Final Draft.pdf](#)

Mr. Jack Butler, Comprehensive Planner, updated the Board on the new FCC Telecommunications rule.

- The Report and Order defines "transmission equipment," "tower," "base station," and other terms that had been left undefined in the 2012 act of Congress, including defining when a modification "substantially changes" the physical dimensions of a wireless facility as the point at which local regulations take effect.
- It did not strip local government of the right to require applications for all work on cell towers, to review proposed changes to facilities and determine whether they or not they exceed the corresponding "substantial change" thresholds. Localities may continue to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.
- However, local governments may only require applicants to provide documentation that is reasonably related to determining whether the eligible facilities request meets the requirements of Section 6409(a) (that is, design documents, not proof of need or other documents that might apply to a new facility).
- Within 60 days from the date of filing, local government shall approve an application covered by Section 6409(a) which governs tower modifications deemed less than a "substantial modification"; and the running of the period may be tolled by mutual agreement or upon notice that an application is incomplete
- An application filed under Section 6409(a) is deemed granted if a State or local government fails to act on it within 60 days;

- Clarifies that where Distributed Antenna System (DAS) and small-cell facilities, including third-party facilities such as neutral-host DAS deployments, are or will be used for the provision of personal wireless services, their siting applications are subject to the 2009 Declaratory Ruling and the presumptively reasonable timeframes it established (ie 120 days for a new tower review, 60 days for a collocation or modification);
- The Report and Order also said that creating preferences for siting wireless infrastructure on city or county property in our regulations was not per se unlawful under the 1996 Communications Act, which the wireless industry had suggested.
- Finally, other than Section 6409(a) applications (collocations and modifications), the FCC declined to adopt a "deemed granted" remedy where a local jurisdiction had failed to act in a timely manner on a wireless application for a new tower. Applicants still have the existing remedy to go to U.S. District Court.

The new rules also deal extensively with the thresholds governing local control over the approval process. Modifications that are deemed less than "substantial" changes to the physical dimensions of a tower or base station are exempt from additional permitting, provided they meet the criteria.

For most towers, "substantially change" means the modification would increase the height by more than 20 feet or 10 percent, whichever is greater. It also means the modification would increase the width of the tower by more than twenty feet. For example, if a 120-foot tower with arms extending five feet to either side (10-foot width) were expanded to 139 feet in height with arms extending 15 feet to either side (30-foot width), the change would be deemed "not" substantial, under the rules.

However, a substantial modification is also defined as any change that would defeat the existing concealment requirements placed on the tower or base station; or that does not comply with conditions associated with the prior approval of the tower. Local governments may continue to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes, and with other laws codifying objective standards reasonably related to health and safety.

In short, tower companies must still file applications, and cannot violate any conditions or requirements placed upon that facility at the time it was created. While modifications "below the threshold" may be performed without additional approvals, establishing whether a given proposed modification meets or exceeds the threshold requires an application and staff-level review, similar to that already in place in Chatham County and Savannah.

Report and Order FCC-14-153A1 was intended to level the playing field for tower companies and wireless providers attempting to bring enhanced wireless services to communities across the nation. For Savannah and Chatham County, where our ordinances and practices have always been equitable, the new rules will have little impact on how we regulate cell towers.

6. [CORE MPO Reapportionment - Wykoda Wang](#)

Attachment: [Re-apportionment 121614.pdf](#)

Ms. Wykoda Wang, Transportation Planner, highlighted through a power point presentation the need for reapportionment, the process, funding, proposed reapportionment, and the proposed by-laws for reapportionment.

XI. NEW ZONING ORDINANCES (NewZO)

7. [NewZo - Draft 3 - Update - Charlotte Moore](#)

Mr. Blackburn stated he would like to go through the existing ordinance chapter by chapter to determine what is wrong with it, since there is so much criticism of it.

Mr. Coleman stated we need a quorum make that decision.

Ms. Moore stated we have not discussed this topic in a year. Draft 3 is posted to website. The zoning assessment report explains the need behind the ordinance update, as well as the mandate by the city and county. City staff have copies of Draft 3, to be followed by discussion. Currently waiting on feedback for direction.

Mr. Thomson stated when we can, we will try to get the UZoom fixed; not a priority.

The concept for the last year is for city staff to dig into the ordinance and let them vet it about a month or so. We will work through their comments and prepare for Draft 4 for discussion. Hard copies will also be provided for county a little later, and start that process a bit later for resource purposes. Presentation orientation workshops will be scheduled for new board members regarding the NewZo in January or February 2015 to orient and refresh. Proposed a few extra meetings per month to get into detail with city input. This will be a priority. We are understaffed, but Charlotte is doing her best.

Mr. Coleman stated he has concern about stakeholders not being including. Does not want to go backwards; public input needs to be considered as well as the governmental reviews.

Ms. Moore stated over 300 meetings were held and the stakeholders list was exhausted. Only one has requested a meeting 2014 was requested, by the Appraisers Institute. Most groups concerns have been worked on and integrated into the current draft.

Mr. Thomson stated interaction probably should have taken place to remind that that the draft is still out there for review.

Mr. Coleman agreed that notification of Draft 3 is out there with integrated concerns from the public is necessary.

Mr. Thomson stated with aggressive weekly meetings with the city attorney and board, city issues could be addressed by mid-year. Community and interest groups then addressed again. Break into text and map: a year in front of city council to adopt a text, then go work the maps. Mr. Stillwell suggested break the city into logical pieces and work with property owners. That will take a few more years with current resources. Diligence is needed by all.

Mr. Blackburn, Jr. is concerned that this seems to get lost. The proposed document has not been proven under litigation. The door is being opened to all types of uncertainties. We know the weak areas of the current ordinance and what works. Seems to be a fools mission to throw it away and put out something new and untested. Identify what the problems are and correct them. Complaint of too many districts, yet two additional districts were approved based on staff recommendation. Any ordinance around for 50 years will have problems.

Ms. Moore states that is what has happened. The assessment report explains why a new ordinance is needed. It carries over working, existing guidelines.

For instance, with the marinas, it was thought new things were being introduced, when actually it was just carried over from the existing ordinance that many were not aware of. Student housing and rentals are big issues that need to be addressed.

XII. OTHER BUSINESS

8. i. Municipal Water Conservation Committee Meetings

Attachment: [100814 meeting summary.pdf](#)

Mr. Thomson stated a memo would be distributed with updates from the meetings Jackie Teel is attending to represent the MPC as an interested party..

9. ii. Coastal Georgia Indicators Coalition - County-Wide Strategic Plan

Attachment: [Chatham County Strategic Plan Process 103014.pdf](#)

***Due to time, this item was not discussed.*

XIII. ADJOURNMENT

10. Adjournment of December 16, 2014 MPC Planning Meeting

There being no further business to come before the Board, Chairman Coleman entertained a motion to adjourn the December 16, 2014 MPC Planning Meeting at 3:00 p.m.

Respectfully submitted,

Thomas L. Thomson
Executive Director

TLT/bf

Note: Minutes not official until signed

XIV. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.