

PLAN COMMISSION AND ZONING BOARD OF APPEALS

Minutes from the July 5, 2018 Meeting 6:00 p.m.

ROLL CALL: Chairwoman Ochoa – Present
Commissioner Hollingshead – Present
Commissioner Wood – Present
Commissioner Kloth – Present
Commissioner Cvengros – (in at 6:04 p.m.)
Commissioner Mercure – Present
Commissioner Albarracin – Present

ALSO PRESENT:
Jon Kindseth-Village Administrator
Jerry Nellessen-Com Dev Director

MOTION: Commissioner Hollingshead
2nd: Commissioner Wood

**Approval of the minutes from the
Plan Commission and Zoning
Board of Appeals meeting of June 7,
2018 with no corrections**

ROLL CALL: Chairwoman Ochoa, by voice vote for the approval of the minutes:

**Ayes – 6
Nays – 0
Absent – 1
Vacancy - 0**

Chairwoman Ochoa then asked for the Village Board Report. Jon Kindseth stated that the Casey's General Store passed through the Village Board subject to the IDNR and IDOT access permits. All of the recommendations from the Planning Commission and Zoning Board of Appeals were included in the approval at the Village Board.

Chairwoman Ochoa asked that all applicants that would be testifying in tonight's hearings as well as anyone in the public that would want to speak be sworn in. There was no one present from the public to swear in tonight.

A motion was made by Commissioner Hollingshead to open the Public Hearing. The motion was seconded by Commissioner Mercure. The motion carried on the following roll call vote:

Ayes-	Chairwoman Ochoa	Nays-None
	Commissioner Hollingshead	
	Commissioner Mercure	Absent-Commissioner Cvengros
	Commissioner Wood	
	Commissioner Kloth	
	Commissioner Albarracin	

The Public Hearing opened at 6:03 p.m. cst. Commissioner Cvengros entered the meeting at 6:04 p.m. cst.

Chairwoman Ochoa moved to the first item on the Agenda. The Public Hearing for petitioner, Village of Beach Park, is seeking possible approval to add text amendments to the Village of

Beach Park Zoning Ordinance related to Illinois Public Act 100-0585, known as the "Small Wireless Facilities Deployment Act". Which became effective on June 1, 2018

Chairwoman Ochoa asked if the legal description was noted in the petition, notice was published and the property posted. It was confirmed by Jerry Nellessen that yes, all has been done as legally required in the News-Sun.

Chairwoman Ochoa then asked for the applicants' testimony. Mr. Jon Kindseth, Village Administrator, provided the update on this matter. he indicated that this is not necessarily a zoning matter and a text amendment is not actually needed but the Village wanted to be able to provide a forum for the public to speak to this subject matter and ordinance and this is the forum to have a public hearing. The FCC has mandated that the cellular carriers provide the new 5G service, and it is to be instituted nationwide. The encumbrances that the carriers were experiencing were the local governments. Thus the States have picked this up and have been adopting it. Illinois has adopted the requirements from the FCC and the local governments have 60 days from the adoption by the State to adopt this locally or August 1. Illinois picked up the model ordinance from the FCC and kept the bulk of it. it is the intent of staff to take this to the Board of Trustees at the July 28 meeting. Mr. Kindseth indicated that there have been two small cell sites permitted within the past two years. One is by the Wesley Church on Lewis Avenue and the other is on Wadsworth Road east of Sheridan Road. There is electric to these sites and Com Ed will not connect power until the municipality has signed off on the electrical installations.

The installations are all about the placement of micro antennas. We will still have the monopoles such as what is seen behind the Village hall and then you will have these small "booster" type sites on the right of ways. He indicated that the purpose of these is for more accurate public safety services/9-1-1. There is not a lot of flexibility in the ordinance. The ordinance was compiled by the Illinois Municipal League on behalf of all the member agencies.

There was a list of frequently asked questions included in the packet to hopefully help you understand what these are. Mr. Kindseth indicated that most municipalities will adopt this ordinance. The fee's and timeframes for permits are set by this ordinance. There are some items that are set by State law such as the permit expiration times of five years. Mr. Kindseth indicated that he can foresee these installations going to private property at some time. We certainly do not have all the answers at this time and this will evolve over time. Chairwoman Ochoa asked if they could go on amateur radio antennas? Mr. Kindseth said they could. Both of the previously installed small cell sites are not on Village right of ways but actually County and also IDNR. The right of way falls under the controlling jurisdiction. This is our protection for our right of way and there is an abandonment clause.

The Village is not allowed to sign any exclusive rights to the right of ways with carriers. There are no franchise agreements. The Village concern is the Cambridge subdivision where all the utilities are underground. The can install these facilities on the street lights if the streetlights are of the type to support them. Commissioner Wood asked if we can select the sites to put the poles. Mr. Kindseth answered that question for him; we can't select the site but have an area they can be installed. They can't go on a traffic light but can go on a streetlight or on an existing tower , as was questioned by the Chair. Chairwoman Ochoa also asked if we had a historic district and Jon Kindseth explained that we did not. Mr. Kindseth also explained that this also forced staff to review our current right of way ordinance and identify ways to strengthen that ordinance. Chairwoman Ochoa asked if we had 90 days to approve a permit? Jon Kindseth answered that we have 30 days to let them know what may be wrong or issues with the permit

and then 90 days to issue it. Commissioner Wood also indicated there is a 75 day window in there also. Commissioner Wood also asked about lease fees and Jon Kindseth explained that there can be no leases/fees.

A motion was made by Commissioner Hollingshead to open public comment. This motion was seconded by Commissioner Wood. By voice vote, all Commissioners were in favor and the motion carried and the public comment opened at 6:20 p.m. There was no public present to make or provide any comments. A motion was made by Commissioner Hollingshead to close the public comment. The motion was seconded by Commissioner Cvengros. By voice vote, all the commissioners were in favor and the motion to close public comment carried. Public comment was closed at 6:21 p.m.

A motion to recommend approval of the Ordinance Providing for the Regulation of and Application for Small Wireless Facilities was made by Commissioner Kloth. The motion was seconded by Commissioner Hollingshead. The motion was approved on the following roll call vote:

Ayes-	Chairwoman Ochoa	Nays-None
	Commissioner Hollingshead	
	Commissioner Mercure	Absent-None
	Commissioner Wood	
	Commissioner Kloth	
	Commissioner Albarracin	
	Commissioner Cvengros	

A motion was made by Commissioner Hollingshead to close the public hearing. The motion was seconded by Commissioner Wood. By voice vote, all commissioners were in favor and the Public Hearing was closed at 6:22 p.m. cst.

There was no old business and there was no new business. A motion was made by Commissioner Hollingshead to adjourn the meeting. The motion was seconded by Commissioner Wood. By voice vote all commissioners were in favor and the motion carried. The meeting adjourned at 06:22 p.m. cst.