

The Town of
GLEN ECHO
Chartered 1904

Town Hall • 6106 Harvard Avenue • Glen Echo • Maryland 20812 • (301) 320-4041
townhall@glenecho.org

February 11, 2019
Town Council Meeting Minutes

1. CALL TO ORDER: MAYOR POLAK. 8:00 PM

Present:

Mayor: Willem Polak

Councilmembers: Dia Costello, Nancy Long, Dan Spealman and Matt Stiglitz

Town Manager: Nicole Ventura

Town Attorney: Ron Bolt

Residents: Edie Springuel (Vassar Circle), Aaron & Angela Hirsch (University Ave.), Julia Wilson (University Ave.), Raya Bodnarchuk (Harvard Ave) and Bill Vincent (ECHO).

2. ACTION ON JANUARY 14, 2019 COUNCIL MEETING MINUTES:

- Minutes were approved with minor corrections.
Motion to Approve: CM Costello, 2nd CM Stiglitz. Approved 4-0.

3. ACTION ON JANUARY 10, 2019 COUNCIL MEETING WORK SESSION MINUTES.

Motion to approve the work session minutes was tabled until the March meeting.

4. MANAGER'S REPORT:

- An RFP for Audit Services for the Town of Glen Echo is being developed for FY 2019 Audit proposals. We are working on getting the bids for a 3-year contract.
- Bids for landscaping Town Hall, Town Right of Way (Trolley tracks and Town Park (Princeton & University Ave) were obtained and are items #10 & #11. By going out to bid the Town will be saving a substantial amount from previous years. Currently the Town has been paying Chapel Valley \$1,300 per month for Town Hall and Parks plus Lee's Tree Service was doing the Trolley tracks at a cost of \$1,150 per mow. The new bid that is being recommended to the Council (Hughes Landscaping) will be costing \$1,042 per month for Town Hall, Parks, and Trolley tracks. This is a savings of \$1,408 per month.

5. FINANCIAL REPORT FOR THE MONTH OF JANUARY:

- The financial report for the month of January was presented by TM Ventura. There were no objections to the financial report as presented. Financial report is attached to the minutes.
Motion to Approve: CM Stiglitz, 2nd CM Spealman. Approved 4-0

6. ACTION ON FY 19 BUDGET ADJUSTMENTS:

- REVENUE ADJUSTMENT: Total Revenues have been increased from \$338,575 to \$358,575

-Municipal Real Estate Receipts (01) were increased by \$20,000 based on year-to-date amount received.

- EXPENSE ADJUSTMENTS: Total Expenses have been increased from \$321,000 to \$347,000
 - Salary Expenses (20.1) were increased \$5,000 based on 30 hrs. per week from \$30,000 to \$35,000.
 - Town Engineer/Building Inspector (21.9). This is a new budget category. The Council approved spending \$10,000 per year in the January meeting. Since we only have 6 months remaining in the FY 19, we have budget \$6,000 (to account 6 months \$5,000 plus \$1,000 for startup meetings with Consultants.
 - Snow Removal (24.3) was increased \$15,000 from \$10,000 to \$25,000.

Motion to Approve: CM Stiglitz, 2nd CM Spealman. Approved 4-0

7. PERMIT UPDATES AND NOTICES REPORT

• BUILDING PERMITS

- **Vassar Circle Construction;**
 - Pepco permit request to remove and relocate two telephone poles is in the process of being approved.
 - Street widening clarification received from the County per Town Attorney Ron Bolt: Vassar Circle must be widened prior to any *Occupancy Permit* being issued. This clarifies the question whether the street had to be widened prior to any *Building Permit* being issued. – Street Signage and installation around the circle will be the responsibility of the Town.
 - 6005 Princeton Avenue:** Two permits were issued: 1st – to enclose rear porch and add a second story addition in the rear next to the existing porch. 2nd – to add 32 ft fence 4 feet high in the front yard.
- **6110 Oberlin Avenue:** Permit was issued to add sign to lamp post in the front yard.

8. APPROVAL OF RESOLUTION 19-1 – IN SUPPORT OF LOCAL ZONING AUTHORITY OVER CELL SITE DEPLOYMENTS AND A CALL ON CONGRESS TO REINSTATE SUCH AUTHORITY BY REVERSING RECENT FCC ACTIONS

- MML had requested that all the municipalities approve the resolution in support of Congresswoman Eshoo's (California) legislation, H.R. 503, to overturn the FCC's actions of August 2 and September 26, 2018. Copies of this Resolution will be sent to Representative Jamie Raskin, and Senators Chris Van Hollen and Ben Cardin.
Motion to Approve: CM Costello, 2nd CM Spealman. Approved 4-0

9. APPROVAL OF ORDINANCE 19-1 – ADD A NEW CHAPTER 25 TO THE CODE OF ORDINANCES TO ADOPT REQUIREMENTS CONCERNING THE INSTALLATION AND OPERATON OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY.

- Approval of Ordinance 19-1 – to add new chapter 25 to the Code of Ordinances to adopt requirements concerning the installation and operation of small wireless telecommunications facilities in the public Rights-of-Way. Ordinance was introduced at the January 14th Council Meeting. The Ordinance will be effective March 3, 2019.
Motion to Approve: CM Costello, 2nd by CM Stiglitz. Approved 4-0

10. CONTRACT TO INSTALL WEATHERVANE

- The bid provided by Katchmark was approved at a cost of \$1,800 to install the weathervane on top of the cupola at Town Hall. They will provide a 1-year warranty on the installation. The Town will need to coordinate the installation with the Post Office.
Motion to Approve: CM Spealman, 2nd CM Castillo. Approved 4-0

11. CONTRACT FOR LANDSCAPING TOWN HALL

- The Town obtained 4 bids for the landscaping of Town Hall. The council approved the bid provided by Hughes Landscaping at a cost of \$6,400 for the year (\$533.33 per month). This bid included 2 gutter cleaning per year.
Motion to Approve: CM Stiglitz, 2nd CM Spealman – Approved 4-0

12. CONTRACT FOR MOWING/MAINTAINING TOWN RIGHT-OF-WAY

- The Town obtained 4 bids for the mowing/maintaining the Town Right-of-Way which comprises of the Trolley Car area (appx. 35 ft wide from Radcliffe to Oxford), 2 town parks at the intersection of Princeton and University Avenue, and 8 storm water drains (along the end of Town on the Clara Barton side) at a cost of \$6,096 for the year (\$508.00 per month)
Motion to Approve: CM Spealman, 2nd CM Stiglitz – Approved 4-0

13. OTHER BUSINESS

- Town Communication Improvements: As a result of a survey of surrounding municipalities, the Town Office will continue to communicate with the residents through flyers hand delivered, e-mail, posting items on the bulletin board by the Post Office entrance, and the web site. This was consistent with what the other towns are doing. Any time a flyer is distributed, an e-mail will also be generated – this will serve as back-up to make sure that if a resident did not get the flyer, they are made aware of the information that was provided in the flyer. The Town Manager is also coordinating with a resident to assure that any e-mail sent out by Town Hall is also posted on the non-official Town Listserv.
- Update on Town Archive Project: The materials in the meeting room have been reboxed and the inventory database has been updated by Sarah Hedlund, the Town Consultant Archivist. The next step in the Archivist's record review will be on the files in the attic space. A Record Retention Plan must be developed by the Town and eventually approved by the State. Costs so far have totaled \$1,100 for personal services and \$338 for supplies. \$2,500 has been budgeted for this task in the current budget.
- Sledding Hill – This is an ongoing discussion on whether the Town should continue designating a sledding hill on Yale Ave. A recent sledding accident resulted in an injury to a child and changes in the composition of the residents on the street requires special mobility attention that has not previously existed and has added complications to continuing this practice. Additionally, insurance and potential liability issues are as yet to be satisfactorily resolved by the Mayor.
- Movie Night – The Livable Community Committee notified the council that they are hosting a Movie Night on 2/23/2019 from 5 – 9 pm at Town Hall. They are still working on the movie they planned to show – Isle of the Dogs or Incredibles 2. There would be no cost to the Town – residents would be requested to bring their own snacks.
- Founders Day Game Day – The Livable Community Committee has proposed to the Council a new event called Founders Day Game Day. They would like to host a Founders Day Game Day on 4/14/2019 from 3-8 pm. Shine or Rain day event – if the weather is good, they will host it

(W)

outside in front of Town Hall, if it rains it will be moved inside. There will be games – Capture the flag, Corn Hole competition, and Jeopardy using questions about Town. They have asked the Town to provide a large sheet cake and funds for the purchase of sidewalk chalk. No objection was made by any of the Councilmembers.

- Crosswalk Signal at MacArthur and Princeton Ave – The Design has been done to install a flashing sign at MacArthur and Princeton Avenue. The County is hoping to install it in the next 30-60 days. (W)

14. ADJOURNMENT:

Motion to adjourn: CM Stiglitz, 2nd CM Costello; All in favor. Meeting Adjourned 9:38 pm

Minutes Prepared by: Nicole Ventura, Town Manager

Approved by: Willem Polak
Mayor, Willem Polak

Date: March 4, 2018

The Town of
GLEN ECHO

Chartered 1904

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To: Mayor and Council

From: Nicole Ventura, Town Manager 

Date: 2/7/2019

RE: FY 19 Budget Adjustment for Council Meeting 2/11/2019

The adjustment made to the budget are as follows:

Revenue:

1 – Real Estate: **Increased \$20,000** based on ytd amount: New Amt: \$126,325

Total Revenue: \$338,575 to \$358,575 net change of \$20,000

Expenses:

20.1 – Salary – **Increased \$5,000** based on 30 hrs per week: New Amt: \$35,000

21.9 – Town Engineer/Bld. Inspector – new category – **\$6,000** (based on 10,000 per year – 6 months left plus \$1,000 initial cost for meetings to meet and discuss the position.

24.3 – Snow Removal – **Increased \$15,000** – we have already spent the budgeted amount of \$10,000 and we still have 1 ½ months to go. New Amt. \$25,000

We left the rest of the budget the way it was approved. In March/April we will be doing a new budget for FY 20 which will incorporate all the categories that have been added since the FY 19 budget was done. FY 19 budget was based on FY 18 information which was not as detailed.

Total Expenses: \$321,000 to \$347,000 net change of \$26,000

The bottom line based on these adjustments the final amount for Net Revenue went from \$17,575 to \$11,575 net change of (\$6,000).

Town of Glen Echo
FY 19 Budget Adjustment

July 2018 through June 2019

	ACTUAL FY18	YTD (6 mths) DEC 2019	Approved FY19	ADJ Budget FY 19	REVISED BUDGET FY 19	
Ordinary Revenue/Expense						
Revenue						
01. Real Estate	129,478	70,538	106,325	20,000	126,325	inc. based on ytd
02. Personal Property						
02.1 Corporate		649	3,000	0	3,000	
02.2 Unincorporated		-14	500	0	500	
02.3 Public Utility		0	20,160	0	20,160	
Total 02. Personal Property	0	635	23,660	0	23,660	
03. State Inc	126,863	35,967	122,000	0	122,000	
04. Highway	11,966	10,180	13,029	0	13,029	
05. License/Per						
05.1 Admissions & Amusement		316	300	0	300	
05.2 Build Perm	171	403	2,500	0	2,500	
Total 05. License/Per	171	719	2,800	0	2,800	
06. Rental Inc						
06.1 Post Off.		13,291	31,899	0	31,899	
06.2 T H Rental		3,075	8,000	0	8,000	
06.3 Parking Lot--Tulane		1,200	3,600	0	3,600	
Total 06. Rental Inc	40,249	17,566	43,499	0	43,499	
07. Interest	1,528	762	1,300	0	1,300	
08. County RS	20,762	20,762	20,762	0	20,762	
09. Cable Franchise	3,740	1,831	3,000	0	3,000	
10. Echo Newsletter						
10.1 Advertisements		1,200	2,000	0	2,000	
10.2 Subscriptions		72	200	0	200	
Total 10. Echo Newsletter	0	1,272	2,200	0	2,200	
12. Miscellaneous Revenue	591	18	0	0	0	
Total Revenue	335,348	160,250	338,575	20,000	358,575	
Expense						
20 Payroll						
20.1 Salary		16,004	30,000	5,000	35,000	based 30 hrs per week
20.2 Employer Taxes		1,250	3,000	0	3,000	
20.3 Staff Training		30	3,000	0	3,000	
Total 20 Payroll	27,102	17,284	36,000	5,000	41,000	

Town of Glen Echo
FY 19 Budget Adjustment

July 2018 through June 2019

	ACTUAL FY18	YTD (6 mths) DEC 2019	Approved FY19	ADJ Budget FY 19	REVISED BUDGET FY 19	
21 Professional Services						
21.1. Auditor	12,571	11,919	12,000	0	12,000	
21.2. Legal						
21.21 Town Attorney		8,917			0	
21.22 Specialized Legal Svc.		2,000			0	
21.2. Legal - Other	55,753		35,000		35,000	
Total 21.2. Legal	55,753	10,917	35,000	0	35,000	
21.4 Oth Prof Svcs		0	5,000		5,000	
21.5 Traffic Study Consultant		803	0		0	
21.6 Records Retention		800	2,500		2,500	
21.7 IT Support		919			0	
21.8 Arborist		225			0	
21.9 Town Engineer/Bld. Insp.		113		6,000	6,000	new category
21.10 Office Temporary Help		2,339			0	
Total 21 Professional Services	68,324	28,035	54,500	6,000	60,500	
22. Fixed Op Ex						
22.1 Office Utilities						
22.11 Electrical		998	0		0	
22.12 Gas		155	0		0	
22.13 Telephone		1,600	0		0	
22.14 WSSC		222	0		0	
22.1 Office Utilities - Other	6,225		7,000		7,000	
Total 22.1 Office Utilities	6,225	2,975	7,000	0	7,000	
22.2 Office						
22.21 Office Supplies		979			0	
22.22 Software/Domain		575			0	
22.23 Copier Rental		723			0	
Total 22.2 Office	0	2,277	0	0	0	
22.3 Bank Fees		127			0	
22.4 Website		0	3,000		3,000	
22.5 Ins & Bond	2,320	1,985	3,000		3,000	
22.5 Office Furniture & Equip.		475	5,000		5,000	
22.6 Dues, Subs., Conf.		1,847	2,500	0	2,500	
22.7 Admin						
22.71 Admin. Payroll Fee		713			0	
22.72 Flyer Delivery Charges		160			0	
22.73 Miscl. Admin Exp.		335			0	
22.7 Admin - Other	9,611		7,000		7,000	
Total 22.7 Admin	9,611	1,208	7,000	0	7,000	
22.8 Echo	2,809	1,030	3,000	0	3,000	
22.9 Town Hall						
22.91 TH Supplies		962			0	
22.92 TH Cleaning Service		1,753			0	
22.93 TH Maintenance	10,752	3,863			0	
22.94 - TH Elevator Maint.		1,305			0	
22.9 Town Hall - Other			35,000		35,000	
Total 22.9 Town Hall	10,752	7,883	35,000	0	35,000	

Town of Glen Echo
FY 19 Budget Adjustment

July 2018 through June 2019

	ACTUAL FY18	YTD (6 mths) DEC 2019	Approved FY19	ADJ Budget FY 19	REVISED BUDGET FY 19	
22.10 Oth Maint		0	2,000	0	2,000	
22.11 T H Improv		2,552	10,000	0	10,000	
Total 22. Fixed Op Ex	31,717	22,359	77,500	0	77,500	
23 Streets						
23.1 Streetlights	9,567	4,027	9,000	0	9,000	
23.2 Street Sweeping		0	18,000		18,000	
23.3 Street Signs		483			0	
23.4 Parking Lot--Town Hall		0	1,000		1,000	
23.5 Street Repair	17,692	0	10,000		10,000	
23.6 Sidewalk Repair		0	5,000		5,000	
Total 23 Streets	27,259	4,510	43,000	0	43,000	
24 Maint./Pub						
24.1 Community Contribution	2,000	0	2,000	0	2,000	
24.2 Landscape						
24.21 TH Landscaping		10,370			0	
24.22 Town Right of Way		6,125			0	
24.2 Landscape - Other	41,426	-2,300	40,000		40,000	
Total 24.2 Landscape	41,426	14,195	40,000	0	40,000	
24.3 Snow Removal	7,222	750	10,000	15,000	25,000	inc. due to snow fall
24.4 Refuse/Recycling	37,200	15,500	50,000		50,000	
24.5 Town Trees						
24.51 Town Tree Pruning		725			0	
24.52 Town Tree Removal		0			0	
Total 24.5 Town Trees	0	725	0	0	0	
24.6 Leaf Removal		14,400			0	
24.7 Community Events	5,918	5,634	8,000	0	8,000	
Total 24 Maint./Pub	93,766	51,204	110,000	15,000	125,000	
Total Expense	248,168	123,392	321,000	26,000	347,000	
Net Ordinary Revenue	87,180	36,858	17,575	-6,000	11,575	
Net Revenue	87,180	36,858	17,575	-6,000	11,575	

Resolution No.: 19-01
Introduced: 2/11/2019
Adopted: 2/11/2019
Effective Date: 2/11/2019

Resolution in Support of Local Zoning Authority over Cell Site Deployments and a Call on Congress to Reinstate Such Authority by Reversing Recent FCC Actions.

WHEREAS local government has long advocated for universal access to reliable, high-speed broadband service, both wireline and wireless, as these services are critical for the delivery of education, economic development, employment, and a variety of essential services necessary for success and progress in the 21st century; and

WHEREAS local government believes that the U.S. must win the "Race to 5G" as the timely deployment of 5G broadband networks will have significant implications for U.S. innovation, including in transportation, agriculture, healthcare, education, public safety, manufacturing, commerce, and the development of smart communities; and

WHEREAS by means of orders issued on August 2, 2018 and September 26, 2018, the Federal Communications Commission took away local government's ability to balance competing interests for the use of the public rights-of-way, taking into account considerations for public safety, public utility services such as water, sewer, and electricity, the travelling public, environmental concerns, economic development, and maintenance costs; and

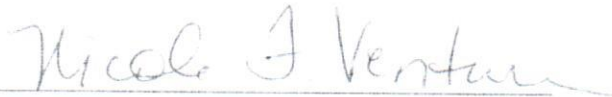
WHEREAS Representative Anna Eshoo has introduced H.R. 530, legislation to overturn the FCC's actions of August 2 and September 26, 2018.

NOW, THEREFORE BE IT RESOLVED that the _____Town of Glen Echo_____ thanks Congresswoman Eshoo for her leadership and calls on Congress to enact, and President Trump to sign H.R. 530, or similar legislation to invalidate the recent actions taken by the Federal Communications Commission.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Representative _____Jamie Raskin_____ and Senators _____Chris Van Hollen_____ and _____Ben Cardin_____ with a request on behalf of the citizens of _____Town of Glen Echo_____ that they support H.R. 530 or similar legislation.

Attest:

I here attest that the above Resolution was duly adopted by the Town Council on the 11th day of February, 2019 by a vote of 4-0,


Clerk-Treasurer

Town of Glen Echo
Ordinance to Regulate Small Wireless Telecommunications Facilities in the Rights-of-Way

Ordinance No.: 19-01
Introduced: January 14, 2019
Adopted: February 11, 2019
Effective Date: March 3, 2019

AN ORDINANCE TO ADD A NEW CHAPTER 25 TO THE CODE OF ORDINANCES TO ADOPT REQUIREMENTS CONCERNING THE INSTALLATION AND OPERATION OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, United States Code, Title 47, Section 332, provides that a local government may exercise control regarding the placement, construction, and modification of personal wireless service facilities, provided the local government does not unreasonably discriminate among providers of functionally equivalent services; and does not prohibit the provision of personal wireless services;

WHEREAS, United States Code, Title 47, Section 332, provides that a local government shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request; and any decision by a local government to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record;

WHEREAS, United States Code, Title 47, Section 1455, provides that a local government may deny a facility request for a modification of an existing wireless tower or base station if it substantially changes the physical dimensions of such tower or base station, including requests for the collocation, removal, or replacement of transmission equipment;

WHEREAS, the Town of Glen Echo holds and maintains the streets and highways within its municipal boundaries in trust for the benefit, use, and convenience of the general public;

WHEREAS, Sections 413 and 415 of the Charter of the Town of Glen Echo authorize the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter of the Town of Glen Echo (the "Town");

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 14th day of January, 2019;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in an open meeting conducted on the 11th day of February, 2019;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the Town, and otherwise advantageous and beneficial to the Town.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED, this 11th day of February, 2019, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Glen Echo Charter, the Town Council does hereby adopt the foregoing Ordinance and amend the Town Code as follows:

* * *

Chapter 25

Small Wireless Telecommunications Facilities

Sec. 25.1 Intent and Purpose.

It is the intent of the Town Council to promote the Town's public health, safety, and general welfare by providing regulatory requirements for the installation and maintenance of small wireless telecommunications facilities in the public rights-of-way. The purpose of this Chapter is to regulate the same to enhance vehicular and pedestrian safety and avoid interference with motorist and pedestrian sightlines; to minimize damage to trees; to reduce visual clutter and prevent unsightly or out-of-character deployments; to preserve the value of property and the character of the neighborhood; and to otherwise protect the health, safety, and general welfare of the town and its residents, and the public at large.

Sec. 25.2 Definitions.

"Base Station" means a structure or equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term does not include a Tower or any equipment associated with a Tower.

“Collocate” means to install or mount a Small Wireless Facility in the public right-of-way on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the application. “Collocation” has a corresponding meaning.

“Communications Facility” means, collectively, the equipment at a fixed location or locations within the public right-of-way that enables Wireless Services, including: (i) radio transceivers, antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. The term does not include the Pole, Tower, or Support Structure to which the equipment is attached.

“Pole” means a legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within a public right-of-way. The term does not include a Tower or Support Structure.

“Small Wireless Facility” means a Wireless Facility that meets all of the following conditions:

- (1) The structure on which antenna facilities are mounted (i) is fifty (50) feet or less in height, including existing antennas, or (ii) is no more than ten (10) percent taller than other adjacent structures, or (iii) is not extended to a height of more than fifty (50) feet or by more than ten (10) percent above its preexisting height, whichever is greater; and
- (2) Each antenna associated with the deployment, excluding the associated equipment, is no more than three (3) cubic feet in volume; and
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume; and
- (4) The facility does not require antenna structure registration under Federal law; and
- (5) The facility does not result in human exposure to radiofrequency radiation in excess of applicable safety standards under Federal law.

“Support Structure” means a structure in a public right-of-way other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.

“Tower” means any structure in a public right-of-way, within or outside the boundaries of the Town, built for the sole or primary purpose of supporting a Wireless Facility. A Tower does not include a Pole or a Support Structure.

“Wireless Facility” means the equipment at a fixed location or locations in the public right-of-way that enables Wireless Services. A Small Wireless Facility is a type of a Wireless Facility. The term does not include the Pole, Tower, or Support Structure on, under, or within which the equipment is located or collocated, or the coaxial, fiber-optic, or other

cabling between Communications Facilities or Poles, or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

“Wireless Service Provider” means a person who provides Wireless Services.

“Wireless Services” means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

Sec. 25.3. Permit and Access Agreement Required.

- (a) No person shall construct, install, maintain, or perform any work in the public right-of-way related to a Communications Facility or any Tower, without first receiving a Permit and paying any applicable fee, as required under this Title. No permit shall be issued until the applicant has entered into a Right-of-Way Access Agreement in a form approved by the Town, according to this Title. A permit shall not be required for ordinary maintenance and repair, as determined by the Town.
- (b) The Right-of-Way Access Agreement shall set forth, at a minimum, the following: (a) the maximum term of the agreement and the bases for termination; (b) the scope of the authority; (c) the operator’s maintenance obligations; (d) the operator’s indemnification and insurance requirements; (e) emergency contacts and required response to emergencies related to facilities; and (f) the Town’s right to access and inspect the operator’s books and records.

Sec. 25.4. Permit Application Requirements.

- (a) An application for a permit under this Title must contain or be submitted with the following:
 - (1) The applicant’s name, address, telephone number, and e-mail address, including emergency contact information for the Applicant;
 - (2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
 - (3) A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of this Title;
 - (4) If applicable, a copy of the authorization for use of the property from the Pole, Tower, or Support Structure owner on or in which the Communications Facility will be placed or attached;
 - (5) Detailed construction drawings regarding the proposed facility;
 - (6) A structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure can adequately support the Collocation (or that the Pole, Tower, or Support Structure will be modified to meet structural requirements) in accordance with applicable code;

- (7) A certification by a radiofrequency engineer that the Communications Facility will comply with the radiofrequency radiation emission standards adopted by the Federal Communications Commission; and
 - (8) The applicable application fee, bond, Right-of-Way Access Agreement, and right-of-way access fee, as may be adopted and amended by resolution of the Town Council.
- (b) The Town may require the posting of a bond to guarantee the prompt and proper restoration of the public right-of-way. The bond may be in such amount as the Town Manager deems necessary, in the Town Manager's discretion.
 - (c) In exchange for the privilege of non-exclusive use of the public right-of-way, the applicant shall pay the Town such access fee as may be established and amended by the Town by resolution from time to time.
 - (d) Any permit issued under this Title shall be valid for a period of twelve (12) months after issuance, and may be extended by the Town Manager for up to an additional twelve (12) months upon written request of the applicant, prior to permit expiration, if the failure to complete construction is as a result of circumstances beyond the reasonable control of the applicant.
 - (e) No work may be performed except in strict accordance with applicable law and the Town permit and all approved plans and specifications.
 - (f) No permit shall be issued except to a Wireless Service Provider with immediate plans for use of the subject Communications Facility. A permit issued under this Title may not be assigned or transferred.

Sec. 25.5. Standards for Deployment in the Public Right-of-Way.

- (a) No Interference with Right-of-Way. No person shall locate or maintain a Communications Facility, Pole, Support Structure, or any Tower, so as to interfere with the use of the public right-of-way by the Town, the general public, or other persons authorized to use or be present in or upon the public right-of-way, or otherwise hinder the ability of the Town to improve, modify, relocate, abandon or vacate a public right-of-way or any portion thereof. Unless otherwise approved by the Town, any Communications Facility must be located no closer than: (i) two (2) feet from any curb, sidewalk, or other improvement within the right-of-way; and (ii) five (5) feet from any driveway apron, and be otherwise located to avoid interference with pedestrian and motorist sightlines and use.
- (b) Compliance with Design Standards; Unsightly or Out-of-Character Deployments. Unless otherwise approved by the Town in order to prevent an effective prohibition of service, in violation of applicable law, no person shall locate or maintain a Communications Facility, Pole, or any Tower except in accordance with the following design standards:

1. All Communications Facilities shall be located and designed so as to minimize visual impact on surrounding properties and from public rights-of-way, and so as to not interfere with motorist and pedestrian sightlines, especially at intersections.
 2. All radio transceivers, antennas, power supply (including backup battery), and comparable equipment installed on a Tower, Pole, or other Support Structure shall be installed at a height of at least fifteen (15) feet above ground level.
 3. No Tower may be located closer than one thousand (1,000) feet of another Tower.
 4. No more than five (5) antennas may be located on any single Tower, Pole, or Support Structure.
 5. All coaxial, fiber-optic, or other cabling and wires shall be contained inside the Tower, Pole, or other Support Structure or shall be flush-mounted and covered with a metal, plastic or similar material matching the color of the Tower, Pole, or other Support Structure on which it is installed.
 6. All Communications Facilities shall comply with such additional design standards as may be set forth in administrative regulations issued by the Town.
- (c) *Protection of Trees.* Unless otherwise approved by the Town in order to prevent an effective prohibition of service, in violation of applicable law, no person shall locate or maintain a Communications Facility, Pole, Support Structure, or any Tower, so as to interfere with the health of a tree.
- (d) *Location Underground.* [Reserved].
- (e) *Modification of Wireless Facilities.* The Town shall approve any request for a modification of an eligible existing Tower or base station that does not substantially change the physical dimensions of such Tower or base station, in accordance with Federal law.
- (f) *Restoration of Public Right-of-Way.* The applicant shall restore, repair, and/or replace any portion of the public right-of-way that is damaged or disturbed by the applicant's work, to the satisfaction of the Town. Such restoration work shall be completed no later than thirty (30) days following completion of the project, or termination of the Right-of-Way Access Agreement, and shall be warranted by the applicant for a period of one (1) year to be free from defects in materials and workmanship.
- (g) *Removal, Relocation, and Abandonment.* Within thirty (30) days following written notice from the Town, or such other time as the Town may require, the Town may terminate a Right-of-Way Access Agreement or require other action in connection therewith, and the owner shall, at its own cost and expense, protect, support,

temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the public right-of-way, and restore the right-of-way as required by the Town, whenever either: (i) the terms of the Right-of-Way Access Agreement have been violated; (ii) the Communications Facility has not been used for a period of ninety (90) days, or has otherwise been abandoned or not maintained, or (iii) the Town has determined in its sole discretion that such action is necessary for the construction, installation, repair, or maintenance of any public improvement or otherwise necessary for the public health, safety, or welfare. If the owner fails to take action as required by this section, the Town or its contractor may do so and the owner shall be responsible for all costs and expenses incurred by the Town related to such work.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town of Glen Echo Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect twenty (20) days after adoption.

Attest:

I hereby attest that the above Ordinance was duly adopted by the Town Council on the 11th day of February, 2019, by a vote of 4 in favor and 0 in opposition.



Clerk-Treasurer
Town of Glen Echo

Approved:



Willem Polak, Mayor

Date: 2/12/19

Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged