

**Town Council Board
Special Meeting
April 29, 2017**

Council members present

Kent Beeson President	<u> x </u>
James Klenner Vice President	<u> x </u>
Scot Ford Member	<u> </u>
Andy Brock Member	<u> x </u>
David Hawkins Member	<u> x </u>

Other town officials present

Julia Meece Deputy Clerk-Treasurer	<u> x </u>
Norm Gabehart Town Manager	<u> x </u>
Joe Csikos Planning & Zoning Director	<u> </u>
Rick Shipp Town Marshal	<u> x </u>
Steve Burden WWTP Superintendent	<u> </u>
Stephen Watson Town Attorney	<u> x </u>

Call to order

Beeson called the meeting to order at 10:00 am

Pledge

Roll call – absent Scot Ford

Invocation

Adoption of the order of business for the day

New business

- Resolution 2017-03 – Regarding Small Cell Structures as regulated by SEA 213
 - N. Gabehart introduced Resolution 2017-03 after being informed by AIM (formerly IACT) that SEA 213 was passed by the Senate house this week and it included wording that cities & towns had until 5/1/17 to take action to prevent/scale small cell structures from being placed within right of ways of the Town. The Governor has until 5/6/17 to sign this bill, but to be proactive in case it is passed and signed, this special meeting was called to pass a resolution designating areas for strictly underground and buried utilities (SUBU). Staff feels that it is imperative after speaking with legal counsel to protect the town on these placements to be underground and not placed on any current or new utility poles.
 - S. Watson stated that when this bill was presented to state legislators by the small cell industries to treat them like any other utility company for placements, it didn't prohibit zoning rules from applying. The small cell companies then went back to State legislators and was able to get a bill passed that would prohibit municipalities from restricting placements in a right of way UNLESS it was an area designated for strictly underground & buried utilities before May 1, 2017. The town needs to put a designation in place to maintain the ability to regulate these placements. Resolution 2017-03 would preserve the board's right to regulate these facilities in a right of way. It also allows a waiver option that a person/company can get board

approval if there is a specific need to have above ground utilities or placement on an existing utility pole in an area designated as SUBU.

- Board clarified with legal that this resolution would apply to all utilities. Also, discussed what the look of these structures would be & the need to limit SUBU areas to specific areas now or later, if a need is found. What steps are needed to notify a homeowner’s association of the placements for utilities on a new or existing utility pole.
- D. Hawkins made a motion to approve Resolution #2017-03 as presented with the areas listed A thru O in section 2 being designated as SUBU areas. A. Brock seconded the motion.

Passed 4-0.

Public comment - None

Meeting adjourned at 10:22 am.

Passed by the Whiteland Town Council on this day _____ of _____, 2017

Aye

Nay

Kent Beeson

Kent Beeson

James Klenner

James Klenner

Scot Ford

Scot Ford

Shawn A. Brock

Shawn A. Brock

David Hawkins

David Hawkins

Attest:

Julia Meece, Deputy Clerk Treasurer