

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, AUGUST 4, 2015**

The meeting was called to order by Council President Patten at 7:30 p.m., the clerk called the roll and the following Members of Council answered:

**HIGGINS TROYER, SALVATORE, MENCINI, BURGIO, POWERS D'AMICO**

Also in attendance were Recreation Director Fields, Finance Director Cingle, Safety Director Byrnes, Service Director Cayet, Mayor Coyne, Law Director Jamison, and Engineer Piatak.

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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Regular Caucus meeting held on June 16, 2015.  
**Motion** by Mr. Mencini, supported by Mr. Burgio, to approve as printed. Members of Council voted AYE with the exception of Mr. Higgins who abstained. The motion carried.
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**DISCUSSION:**

1. REQUEST FOR APPROVAL TO INSTALL A NEW UTILITY POLE IN THE PUBLIC RIGHT OF WAY FOR THE PURPOSE OF MOUNTING WIRELESS COMMUNICATION EQUIPMENT AT THE FOLLOWING LOCATIONS:
  - ❖ 19147 Snow Road
  - ❖ 17993 Sylvia Drive
  - ❖ 5017 West 137<sup>th</sup> Street
  - ❖ 5269 West 137<sup>th</sup> Street**In attendance: Natasha Ernst, Director of Small Cell Deployment  
(Referred by the Planning Commission on July 14, 2015)**

**Natasha Ernst  
Director of Small Cell Deployment in Fibertech Networks  
300 Meridian Centre  
Rochester, NY 14648**

Ms. Ernst stated that Fibertech appeared before the Planning Commission on two separate occasions. Fibertech is a fiber-optic network company and has fiber all over the Cleveland-Metro area and would like to build a fiber-optic network through parts of Brook Park. For the wireless equipment that goes with the fiber-optic cable Fibertech had to place their own poles because First Energy will not allow their equipment on their poles; that is the reason

Discussion: cont.

the four new utility poles need to go in to allow fiber-optic cable not to go on all of their existing poles, which is great, because no one wants hundreds of thousands new poles for fiber but the equipment they have had issues with that and Fibertech has been trying to work with First Energy for two years without success and don't see this being resolved anytime soon. That is the reason Fibertech is coming to Brook Park to ask for these utility poles for fiber equipment.

Mr. Mencini stated the reason Fibertech appeared before the Planning Commission twice is like stated there can't be a million poles all over the City of Brook Park; is it possible for other utilities to hook up to Fibertech poles?

Ms. Ernst responded yes, Fibertech is a utility company and, will play nice, that First Energy is not doing right now. If a request is received from utility providers to put equipment or cabling on one of Fibertech's poles they are fully open for co-location and available for those additional uses.

Mayor Coyne stated that is not a fair shot at First Energy the reason is it's not cost-effective for them and it's cost-prohibitive for Fibertech to co-locate on First Energy poles, they have looked at it. It is not a case that First Energy is not playing nice it's because they looked at it and considered it and it's not cost-effective. This city has a great relationship with First Energy and the city prefers to not have the additional poles but there isn't any other way.

Mr. Burgio stated there is a telecommunication pole at 19101 Snow but Fibertech cannot co-locate on that pole because it's a First Energy pole?

Ms. Ernst responded yes, Fibertech did look to see if there were any non-First Energy poles in the area and there weren't any.

Mr. Burgio stated so the location is going to be very close to that pole, I would imagine, with the address.

Ms. Ernst responded under the National Electric Safety Code there has to be a minimum of amount of distance of ten feet; but they can be within ten feet of each other.

Mr. Burgio continued with the pole at 17993 Sylvia Drive, I looked at all four locations today, and is the location for this pole at Sylvia and Glenway approximately?

Discussion: cont.

**Jon Tarnowski**  
**Project Manager**  
**Fibertech**  
**15665 Neo Parkway**  
**Garfield Hts. OH**

Mr. Jon Tarnowski responded the pole will be put on the corner of the intersection of Sylvia Drive and Eavenson; it's right at that intersection.

Mr. Burgio asked it will not be in the tree lawn?

Mr. Jon Tarnowski responded it is not it will be near the curb in the right-of-way; there is a tree nearby but Fibertech will avoid the tree.

Mr. Burgio stated there is excavation at this location is that where the pole is going?

Mr. Jon Tarnowski responded Fibertech has not done any excavation to date.

Mr. Burgio stated the other location of 5017 West 137<sup>th</sup> Street is that going to be on the side of the street as the Subway Restaurant or Marathon Gas Station on Brookpark Road.

Ms. Ernst stated there is always a challenge of putting an address on a utility pole because poles don't have addresses so usually the nearest address is used.

Mr. Jon Tarnowski stated that pole will be on the west side of the West 137<sup>th</sup> Street, south of the intersection. This will be a great location in terms of it will not be obstructing any other utilities.

Mr. Burgio stated the pole location of 5269 West 137<sup>th</sup> Street the addresses only go up to 5190 and there is a wall; is the pole going to be on the other side of the wall?

Mr. Jon Tarnowski responded no, it's not on the other side of the wall; it's in the right-of-way near the street. There is no address that exists on that side of the road so an address had to be picked that was close by to match up with the city's tax records and can be identified. So with that one Fibertech uses an existing address and put a half-note for the utility company when they do the metering. So with that pole the address may be on the other side of the road but the pole will be on the west side of the street.

Discussion: cont.

Mr. Burgio continued there are residents in close vicinity?

Mr. Jon Tarnowski concurred and stated this location, in fact, is a very remote location and on the west side there isn't any other buildings and there is a field next to it.

Mr. Burgio stated this location is at the end of a dead-end street and there is a wall there and almost appears the address should be on the other side of the wall.

Mr. Jon Tarnowski stated the address you're mentioning is on the east side of the road and the pole will be on the west side and Fibertech cannot give this pole an address.

Mr. Burgio asked Councilman Mencini if there were any residents' concerns at the Planning Commission meeting.

Mr. Mencini responded no, there was a concern with radiation or something of that sort coming from the poles.

Mr. Tarnowski responded it is very low levels of radiation if you're at the height of the antenna of the location and that is not where people are going to be standing. Just like with cell phones or anything else that uses a cellular service it's not directing any radiation to someone that is on the ground. These poles are regulated by the FCC (Federal Communications Commission) so the levels are the same as used for a wireless service.

Ms. Ernst stated all of these locations have been tested to insure that they comply which is a requirement of every antenna in the country that a test be run of the pole before erected. All of these poles have been tested and comply with federal laws so for the general public its well below any type of levels similar to the handsets that are tested and have to be well below the general levels.

Mr. D'Amico stated to Engineer Piatak that a letter was sent from you to Building Commissioner Hurst with number one being to consider the license agreements for installations within public right-of-way to protect the city from relocation costs; was that discussed.

Ms. Ernst responded it is my understanding that is a condition of Fibertech's permit and these are in the public right-of-way and we are a utility company so we have to relocate like any other utility companies in the public right of way; so there won't be relocation costs to the city.

Discussion: cont.

Mr. Troyer stated which corner will the Sylvia Drive pole be on, the west or east?

Mr. Tarnowski responded the pole would be on the northeast corner.

Mr. Troyer clarified that is Glenway, not Eavenson.

Mr. Tarnowski commented right, it's on the corner of Sylvia and Glenway.

Mr. Troyer stated this will not cost the city anything, as a matter of fact; the city will take in a little bit on permits, correct?

Ms. Ernst concurred.

Mr. Troyer stated to Law Director Jamison on notifications was it necessary to send letters to the residents' or was the ad in the newspaper sufficient?

Mr. Jamison clarified you mean for tonight?

Mr. Troyer responded no, for the Planning Commission meetings concerning the towers being put up.

Mr. Jamison responded you would ask the Building Commissioner how the notices were sent out I don't know who they exactly sent that to.

Mr. Mencini interjected I know on most things they do send to the residents' but am not 100% sure if they were sent on this one. What is the concern?

Mr. Troyer stated to the residents'.

Mr. Mencini stated to the residents' but am not 100% sure but most times we do and is covered and sometimes there will be residents' in attendance that do not get up and speak.

Mr. Troyer stated I just want to make a point that if the residents' were notified by a letter that didn't happen to all of them. The city should know whether it's a rental and not just send it to the address it should be sent to the homeowner; I can guarantee a letter was not sent to me because I have a unit in that area. If letters were sent out then the city should check into it and make sure that the letters are being sent to the owner and not to the residents'.

Discussion: cont.

Mayor Coyne responded if you look at the advertisement the meeting is being held pursuant to Chapter 1355 of the Brook Park Codified Ordinance which requires public notice; that's public notice. So I'm not certain if they were notified or why residents' would be because it's in the right-of-way. Usually with rezoning or variance issues there are registered letters sent to the affected people or at least notification; so I don't believe that it is required to give individual notice.

Mr. Troyer stated the newspaper ad is what you feel is sufficient and there is not a problem.

Mayor Coyne concurred and the city tried to get co-location with another utility and it wasn't possible and that's why the city can't deny them because they meet all of the city's requirements. So the Planning Commission approved based on the conditions from the city engineer that is included in the recommendation.

Mr. Mencini stated these are in the public right-of-way so if it's coming up over the sidewalk or coming up by your door I believe a letter will be sent.

**Motion** by Mr. Mencini, supported by Mr. Troyer, to place under Verbal Approval at the next Council meeting. Members of Council voted AYE. The motion carried.

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There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 7:43 p.m.

RESPECTFULLY SUBMITTED



Michelle Blazak  
Clerk of Council

APPROVED



THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.