



**MINUTES OF THE
CITY OF FRONTENAC
BOARD OF ALDERMEN
TUESDAY, OCTOBER 16, 2007
PUBLIC HEARING**



The Tuesday, October 16, 2007, public hearing of the City of Frontenac was called to order at 7:04 p.m. with Mayor Lee Murray presiding. The Aldermen present were Tom Hizar, John Wynne, Keith Krieg, Margot Martin and John Levis. Alderwoman Susan Durbin was not present.

Also in attendance were City Administrator, Bob Shelton; City Clerk, Leesa Ross; City Attorney, Kevin O'Keefe; Fire Chief, John Trout; Police Captain, Mark Guttman; Building Commissioner & Zoning Administrator, Jeff Wappelhorst; and Finance Officer, Julie O'Guinn.

1. AGENDA ITEMS:

- a. Establishing regulations for the provisions of video services and for the placement of utility and similar facilities in the public rights of way and on private property.

Mr. O'Keefe stated these regulations are in conformity with recent legislative directives in the field of video services. The regulations protect the interest and integrity of public infrastructure and the interests of neighboring property owners, including the location of boxes, landscaping around boxes, and color of boxes to make them as unobtrusive as possible. Mr. O'Keefe stated the zoning component of the bill was reviewed by the Planning and Zoning Commission and recommended with a favorable vote.

Alderwoman Martin asked about the consent of property owners. Mr. O'Keefe stated the easement areas are not very large, and the utility companies may need additional easement rights from property owners. Alderman Wynne stated he believes there are already utility easements in place, but Mr. O'Keefe stated that even so, the utility companies have a right to install the boxes, so if the utility easements are too narrow the boxes may be placed elsewhere.

Mayor Murray stated she wanted to clarify her understanding that Charter Communications is currently governed by the City's existing cable ordinance, which will not change, but that if Charter Communications applies for the state-wide franchise, then upon passage of Bill No. 2007-1580 Charter Communications would be governed by the new ordinance. She said AT&T would be governed by the specific agreement passed in March 2007, and the new ordinance, if passed, would govern AT&T after the 3 year contract with AT&T expires. Mr. O'Keefe agreed with Mayor Murray and stated she was correct.

Alderman Wynne asked if AT&T had ratified its agreement. Mr. Shelton stated he is checking with the AT&T legal department to confirm the agreement has been signed. Mr. Krieg asked Mr. O'Keefe what is the width of a typical easement. Mr. O'Keefe stated five feet, however that is not wide enough for the boxes and access for any maintenance work that is required.

Alderman Wynne stated he would request a change to Bill No. 2007-1580 to require permits to be submitted to the Board of Alderman for approval after review by Public Works. Mr. O'Keefe stated he would look at the request, but it could be problematic due to the standards required by the State statute. He stated the City's judgment is constrained because municipalities cannot impede the service. Alderman Wynne replied it might also be problematic if permits were not approved by the Board of Aldermen as generally required in the Code of Ordinances. Mr. O'Keefe said Alderman Wynne raised a good point, and that he would review the issue, adding that the legislation does not have to be passed until January 2008.

Alderwoman Martin asked if the City could require some type of fencing or additional landscaping requirements. Mr. O'Keefe stated no, because the utility companies must be able to access the boxes.

Mr. Shelton stated that in Frontenac Estates, the AT&T boxes were installed without notice to the City. He stated he, along with Mr. Wappelhorst and the trustees of Frontenac Estates, met with AT&T and asked them to move the boxes from behind the stone wall. Mr. Shelton stated AT&T agreed and relocated the boxes to a different and less intrusive location.

Mayor Murray asked if any audience members wanted to make any comments regarding this proposal at this time.

Mr. Rotter of Garibaldi stated a neighbor of his who owns lots on Garibaldi and Donoho gave an easement to AT&T, and that an additional box was placed on one of the properties. Mayor Murray said she would encourage the owner of the property to review the terms of the agreement with AT&T and then take the matter up with AT&T directly.

MOTION: Alderman Levis motioned and Alderman Krieg seconded the public hearing be adjourned. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

2. ADJOURNMENT: Public Hearing adjourned at 7:25 p.m.

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