

MINUTES OF MEETING OF
THE CLARKSVILLE TOWN COUNCIL
HELD ON APRIL 29, 2017

A special meeting of the Clarksville Town Council was called to order on April 29, 2017 at 9:00 a.m. in the meeting room of the Clarksville Municipal Center Administration Building by Council Vice President Voignier who chaired the meeting.

Council members present: Tim Hauber, John Gilkey, Jennifer Voignier, David Fisher, and Aaron Stonecipher. Absent: Paul Fetter and David Worrall.

Approval of Ordinance 2017-G-06, an Ordinance Regarding Underground Utility Lines with regards to SEA 213... Town Manager Baity gave a brief background regarding Senate Enrolled Act 213, which provides for the placement of privately owned utilities, (electric and/or wireless communication support structures), within municipally owned/controlled rights of way without obtaining the permission or a permit from the controlling municipal authority. In brief, SEA 213 pre-empts local jurisdiction in favor of utility companies. (A copy of the summary of SEA 213 is available in the Clerk Treasurer's Office) SEA 213 was approved in the Senate on a vote of 46-3 and in the House on a vote of 93-1 and now awaits the signature or veto of the Governor. SEA 213 contains a provision that allows an authority, (City or Town), to prohibit the placement of a new utility pole or wireless support structure in a right-of-way within an area that is designated before May 1, 2017, strictly for underground or buried utilities. Staff from the Planning Department, Public Works and Redevelopment have reviewed the provision of the bill and developed a map outlining the areas where underground or buried utilities should be required. (A copy of a Map is available in the Clerk Treasurer's Office for viewing)

As of Friday 4/28/17, over 100 municipalities have passed or are schedule to meet to pass similar local legislation to protect their communities from the negative impacts that could arise from utilities installed in accordance with SEA 213. Staff is recommending passage of 2017-G-06, an Ordinance Regarding Placement of Underground Utilities.

For the first reading, Council Member Gilkey made a motion to approve 2017-G-06, and noted that the legislative intent of the last sentence of Section 1 is that if a provider decides that a new small cell facility is needed, it can be collocated on an existing utility pole or wireless support structure without necessity of obtaining a permit; it must first obtain a permit as required by the ordinance if the provider also desires to install a new utility pole or wireless support structure within the designated area. Council Member Hauber seconded the motion. Council Member Stonecipher requested an amendment to add Hunter's Station area, to be designated on a newly created map by the Planning Department. Council Members Gilkey and Hauber accepted the amendment to their motions, and the vote was carried by unanimous vote, 5-0. For the second reading, Council Member Gilkey made a motion to approve 2017-G-06, with the same notation of the legislative of the last sentence of Section 1 and the inclusion of Council Member Stonecipher's amendment. Council Member Hauber seconded the motion and was carried by unanimous vote, 5-0.

Adjournment... There being no further business to come before the Council at this time, on a motion made by Council Member Stonecipher seconded by Council Member Fisher, and carried by unanimous vote, 5-0, the April 29th, 2017 special meeting of the Clarksville Town Council adjourned at 9:45 a.m.

Minutes prepared by the Clerk-Treasurer of
The Town of Clarksville, Indiana

Minutes approved by the Clarksville Town Council
on the 16th day of May, 2017

Robert P Leuthart, Clerk-Treasurer
Of the Town of Clarksville, IN

Paul Fetter, President,
Clarksville Town Council