



Willowbrook

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Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Tim Halik

Chief of Police

Mark Shelton

Director of Finance

Carrie Dittman

A G E N D A

REGULAR MEETING OF THE MUNICIPAL SERVICES COMMITTEE TO BE HELD ON MONDAY, MARCH 13, 2017, AT 5:30 P.M. AT THE VILLAGE HALL, 835 MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES:
 - a) February 13, 2017 Regular Meeting of the Municipal Services Committee
4. DISCUSSION – Small Cell Antennas
5. DISCUSSION – Cherry Tree Lane: Proposed Sump Pump Drainage Project
6. DISCUSSION – Police Building Expansion/Renovation, Progress Update
7. REPORT – Municipal Services Department:
 - a) February 2017 Monthly Permit Activity Report
 - b) January 2017 Water System Pumpage Report
 - c) February 2017 Scavenger Report
8. VISITOR'S BUSINESS
(Public comment is limited to three minutes per person)
9. COMMUNICATIONS
10. ADJOURNMENT



Proud Member of the
Illinois Route 66 Scenic Byway

MINUTES OF THE REGULAR MEETING OF THE MUNICIPAL SERVICES
COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY,
FEBRUARY 13, 2017 AT THE VILLAGE HALL, 835 MIDWAY DRIVE, IN
THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER

Chairman Mistele called the meeting to order at 5:30 PM.

2. ROLL CALL

Those present at roll call were Chairman Michael Mistele, Trustee Paul Oggerino, and Village Administrator Tim Halik. Absent: None.

3. APPROVAL OF MINUTES

- a) After review of the draft minutes from the January 9, 2017 regular meeting of the Municipal Services Committee, Chairman Mistele made a motion to approve the minutes as presented. Trustee Oggerino seconded the motion. Motion Carried

4. DISCUSSION – Bid Results: Village Hall 500,000 Gallon Spheroid Tank Painting and Rehabilitation Project

Administrator Halik reminded the Committee that on January 9, 2017, the Municipal Services Committee authorized staff to complete a public bid process to solicit sealed bids for the re-coating of the Village's 500,000-gallon spheroid water tower located within the municipal campus. The advertisement for bids notice was published in the January 12th and January 16, 2017 edition of the Chicago Sun-Times newspaper. The deadline to submit completed bids was January 26, 2017 by 10:00 AM, at which time all bids were opened. Six bids were received prior to the deadline with the lowest bid submitted by Tecorp, Inc., in the amount of \$505,700. Halik advised that Tecorp, Inc. is a familiar company that has successfully completed similar water tank rehabilitation projects for Crystal Lake, Arlington Heights, Matteson, New Lenox, DuPage County, Lockport, Geneva, and Calumet City. Halik further advised that the bid price received for our project of \$505,700 is \$290,700 lower than the engineer's bid estimate of \$796,400. Halik advised that staff recommends that the bid submitted by Tecorp, Inc. be accepted, and that this item is included on the Board's agenda for their meeting this evening. The Committee's recommendation was to award the project to Tecorp, Inc.

5. DISCUSSION – Professional Services for Construction Observation, Village Hall Water Tank Painting and Rehabilitation Project – CBBEL Proposal

Administrator Halik advised the Committee that as part of the completion of the Village Hall water tank painting project, shop drawings must be reviewed by the Village Engineering Consultant and the actual work will be monitored by a part-time Resident Engineer for the full 16-week project duration. Halik advised that staff requested a proposal for professional engineering services from Christopher B. Burke Engineering, Ltd. to complete this work. CBBEL offered an estimated fee of \$19,000, which is the same amount they offered in the spring of 2015 to complete the construction observation of the 67th Street tank. Halik shared

that the proposal, General Terms and Conditions, and First Amendment to the General Terms and Conditions for this project have been reviewed and approved by the Village Attorney, and that this item will also be considered at tonight's Village Board meeting. The Committee concurred with staff's recommendation to accept the proposal from CBEL.

6. REPORT – Police Building Expansion/Renovation, Progress Update

Administrator Halik shared with the Committee a two-page progress report on the police station construction that was prepared by Christine Keltner of Integrated Project Management, Burr Ridge. Halik highlighted areas of the report containing key accomplishments, budget tracking, schedule updates, upcoming activities, and current issues/risks for the period in which the particular report covers.

7. REPORT – Municipal Services Department

- a. Administrator Halik reviewed the monthly permit activity reports for the month of January 2017. Halik advised that the Village received about \$40,000 in permit revenue for the month. The total amount collected to date represents about 189% of the total budgeted amount of revenue for fiscal year 2016/17, indicating that it has been a very busy construction year.
- b. Administrator Halik shared the water system pumpage report for December 2016. The report indicates that the Village pumped 26,581,000 gallons of water in the month. The total amount of water pumped so far this fiscal year is slightly below the amount that was pumped in the same time period of FY 2015/16. However, we are still on-track to reach the FY2016/17 pumpage projection of 350,000,000 gallons.
- c. Administrator Halik shared the January 2017 scavenger report, and advised that the report was for informational purposes only.

8. VISITOR'S BUSINESS

(None)

9. COMMUNICATIONS

(None)

10. ADJOURNMENT

Motion to adjourn was made by Chairman Mistele. Seconded by Trustee Oggerino. The meeting was adjourned at 6:10 PM.

(Minutes transcribed by: Tim Halik, 3/8/17)

**MUNICIPAL SERVICES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET**

AGENDA ITEM DESCRIPTION

DISCUSSION – Small Cell Antenna Systems

COMMITTEE REVIEW

- ☐ Finance/Administration
☒ Municipal Services
☐ Public Safety

Meeting Date:

March 13, 2017

- | | |
|---|---|
| <input checked="" type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

BACKGROUND

As the personal wireless industry continues to try to satisfy consumer demands for improved reliability and faster speeds, there is now a need for wireless carriers to install additional small cell antenna systems in order to obtain the bandwidth required to achieve the advertised 5G service capability. These small cell antennas are designed to serve only a portion of the area served by the original marocell sites (i.e., high-power antennas installed on towers, water tanks, tall buildings, etc.). As a result, more are needed. Early estimates are that each of the main wireless carriers may need up to install up to twenty (20) small cell sites in a community. While communities understand the consumer need for faster service and reliability, these small cell antenna sites can be unsightly, can negatively affect the character of a neighborhood which can negatively affect property values, and in some cases, pose a threat to public safety. These small cell antennas, and associated operational equipment, can be mounted on existing utility poles or municipal owned streetlights and other facilities, and can range in height. In some cases, vendors working on behalf of wireless carriers have requested authorization to install new poles on the right-of-way in excess of 60 feet in height in order to install a small cell antenna. Although contrary to some of their claims, these vendors are not a regulated utility in accordance with the Telecommunications Act and cannot claim to have standing under current federal laws or FCC rules. They are not exempt from local authority. Therefore, there is a need to regulate this growing field.

REQUEST FOR FEEDBACK

Several municipal Councils of Government (COGs) including the DuPage Mayors and Managers Conference (DMMC) and the Illinois Municipal League (IML) are currently working to address this issue. Proposed legislation has also been introduced in the Illinois General Assembly which, if passed, would be severely detrimental to municipalities attempting to regulate and control the proliferation of these antenna facilities within their communities. Senate Bill 1451, sponsored by Illinois Senator Terry Link (D- Gurnee), would severely limit municipal authority to regulate small wireless facilities. In addition, the FCC has recently closed a public comment period intended to seek feedback on the issue. In response to these concerns, the IML has drafted a model Small Cell Antenna/Tower Right-of-Way Sitting Ordinance for municipal use. This model ordinance was forwarded to the Village Attorney to review against the current Village right-of-way ordinance, to determine if changes are needed. However, if several proposed bills relating to this issue, such as SB-1451, are signed into law, our ability to regulate these facilities may be greatly diminished.

STAFF RECOMMENDATION

At the present time, the staff recommendation is to continue to track the proposed legislation and current meetings that are being held between Senator Link, IML attorneys, and the wireless industry. If required, the Village Attorney can finalize a draft ordinance for the Board's consideration relatively quickly.

SMALL CELL ANTENNA/TOWER
RIGHT-OF-WAY SITING ORDINANCE

WHEREAS, the **City** of _____ (the "**City**") is an Illinois municipality in accordance with the Constitution of the State of Illinois of 1970; and,

WHEREAS, the **City** is authorized under the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., and Illinois law to adopt ordinances pertaining to the public health, safety and welfare; and,

WHEREAS, the **City** is further authorized to adopt the amendments contained herein pursuant to its authority to regulate the public right-of-way under section 11-80-1 et seq., of the Illinois Municipal Code; and

WHEREAS, the **City** uses the public right-of-way within its **City** limits to provide essential public services to its residents and businesses. The public right-of-way within the **City** is a limited public resource held by the **City** for the benefit of its citizens and the **City** has a custodial duty to ensure that the public right-of-way is used, repaired, and maintained in a manner that best serves the public interest; and

WHEREAS, growing demand for personal wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place small cell facilities, distributed antenna systems, and other personal wireless telecommunication facilities on utility and street light poles and other structures in the public right-of-way. While State and federal law limit the authority of local governments to enact laws that unreasonably discriminate among providers of functionally equivalent services, prohibit, or have the effect of prohibiting the provision of telecommunications services by wireless service providers, the **City** is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations in the public right-of-way; and

WHEREAS, in anticipation of continued increased demand for placement of small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations within the public right-of-way, the **City Council** finds that it is in the best interests of the public health, safety and general welfare of the **City** to adopt the ordinance below in order to establish generally applicable standards for construction, installation, use, maintenance and repair of such facilities, systems and installations within the public right-of-way in the **City** so as to, among other things: (i) prevent interference with the facilities and operations of the **City's** utilities and of other utilities lawfully located in public right-of-way or property, (ii) provide specific regulations and standards for the placement and siting of personal wireless telecommunication facilities within public right-of-way in the **City**, (iii) preserve the character of the neighborhoods in which facilities are installed, (iv) minimize any adverse visual impact of personal wireless telecommunication facilities and prevent visual blight in the neighborhoods in which facilities are installed, (v) facilitate the location of personal wireless telecommunication facilities in permitted locations within the public right-of-way in the **City**, and (vi) assure the continued safe use and enjoyment of private properties adjacent to personal wireless telecommunication facilities.

NOW, THEREFORE, be it ordained by the corporate authorities of the **City** of **[FILL IN BLANK]** as follows:

SECTION 1:**Definitions.**

For purposes of this Ordinance, the following terms will have the following meanings:

ALTERNATIVE ANTENNA STRUCTURE	An existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a utility pole or a <u>City</u> -owned infrastructure.
ANTENNA	Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.
APPLICANT	Any person or entity submitting an application to install personal wireless telecommunication facilities or structures to support the facilities within a public right-of-way.
CITY-OWNED INFRASTRUCTURE	Infrastructure in public right-of-way within the boundaries of the <u>City</u> , including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the <u>City</u> .
DISTRIBUTED ANTENNA SYSTEM (DAS)	A type of personal wireless telecommunication facility consisting of a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Generally serves multiple carriers.
LANDSCAPE SCREENING	The installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of a personal wireless telecommunication facility from public view.
MONOPOLE	A structure composed of a single spire, pole or tower designed and used to support antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a <u>City</u> -owned infrastructure.
PERSONAL WIRELESS TELECOMMUNICATION ANTENNA	An antenna that is part of a personal wireless telecommunications facility.
PERSONAL WIRELESS TELECOMMUNICATION EQUIPMENT	Equipment, exclusive of an antenna, that is part of a personal wireless telecommunications facility.
PERSONAL WIRELESS TELECOMMUNICATIONS FACILITY	An antenna, equipment, and related improvements used, or designed to be used, to provide wireless transmission of voice, data video streams, images, or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

SMALL CELL FACILITIES	A Personal Wireless Telecommunications Facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area. Generally single-service provider installation.
TOWER	Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a <u>City</u> -owned infrastructure. Except as otherwise provided for by this Ordinance, the requirements for a tower and associated antenna facilities shall be those required in this Ordinance.
UTILITY POLE	An upright pole designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function.
VARIANCE or VARIATION	A grant of relief by the <u>City Manager/Administrator</u> or his/her designee.
WI-FI ANTENNA	An antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.

SECTION 2:

Standards and Regulations.

Personal wireless telecommunication facilities will be permitted to be placed in right-of-way within the jurisdiction of the City as attachments to existing utility poles, alternative antenna structures, or City-owned infrastructure subject to the following regulations:

- A. *Number Limitation and Co-Location.* The City Manager/Administrator or his/her designee may regulate the number of personal wireless telecommunications facilities allowed on each utility pole or unit of City-owned infrastructure. No more than two (2) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structure of ninety (90) feet or less. No more than three (3) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structures in excess of ninety (90) feet and less than one-hundred and twenty (120) feet. This Ordinance does not preclude or prohibit co-location of personal wireless telecommunication facilities on towers or monopoles that meet the requirements as set forth elsewhere in this section or as required by federal law.

- B. *Separation and Clearance Requirements.* Personal wireless telecommunication facilities may be attached to a utility pole, alternative antenna structure, monopole, or City-owned infrastructure only where such pole, structure or infrastructure is located no closer than a distance equal to one hundred (100) per cent of the height of such facility to any residential building and no closer than three hundred (300) feet from any other personal wireless telecommunication facility. A separation or lesser clearance may be allowed by the City Manager/Administrator or his/her designee as an administrative variance to this Ordinance when the Applicant establishes that the lesser separation or clearance is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so within the right-of-way.
- C. *City-Owned Infrastructure.* Personal wireless telecommunication facilities can only be mounted to City-owned infrastructure including, but not limited to, streetlights, traffic signal, towers or buildings, if authorized by a license or other agreement between the owner and the City.
- D. *New Towers.* No new monopole or other tower to support personal wireless telecommunication facilities in excess of sixty (60) feet is permitted to be installed on right-of-way within the jurisdiction of the City unless the City Council finds, based on clear and convincing evidence provided by the applicant, that locating the personal wireless telecommunications facilities on the right-of-way is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed new monopole or other tower within the right-of-way is the least intrusive means to do so.
- E. *Attachment Limitations.* No personal wireless telecommunication antenna or facility within the right-of-way will be attached to a utility pole, alternative antenna structure, tower, or City-owned infrastructure unless all of the following conditions are satisfied:
1. *Surface Area of Antenna:* The personal wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped antennas, cannot have a surface area of more than seven (7) cubic feet in volume.
 2. *Size of Above-Ground Personal Wireless Telecommunication Facility:* The total combined volume of all above-ground equipment and appurtenances comprising a personal wireless telecommunication facility, exclusive of the antenna itself, cannot exceed thirty-two (32) cubic feet.
 3. *Personal Wireless Telecommunication Equipment:* The operator of a personal wireless telecommunication facility must, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.
 4. *Personal Wireless Telecommunication Services Equipment Mounted at Grade:* In the event that the operator of a personal wireless telecommunication facility proposes to install a facility where equipment or appurtenances are to be installed

at grade, screening must be installed to minimize the visibility of the facility. Screening must be installed at least three (3) feet from the equipment installed at-grade and eight (8) feet from a roadway.

5. Height: The top of the highest point of the antenna cannot extend more than seven (7) feet above the highest point of the utility pole, alternative antenna support structure, tower or City-owned infrastructure. If necessary, the replacement or new utility pole, alternative support structure or City-owned infrastructure located within the public right-of-way may be no more than ten to seventy (10 – 70) feet higher than existing poles adjacent to the replacement or new pole or structure, or no more than ninety (90) feet in height overall, whichever is less.
6. Color: A personal wireless telecommunication facility, including all related equipment and appurtenances, must be a color that blends with the surroundings of the pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover.
7. Antenna Panel Covering: A personal wireless telecommunication antenna may include a radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering must be of a color that blends with the color of the pole, structure, tower or infrastructure on which it is mounted.
8. Wiring and Cabling: Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the electrical code currently in effect. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.
9. Grounding: The personal wireless telecommunication facility must be grounded in accordance with the requirements of the electrical code currently in effect in the City.
10. Guy Wires: No guy or other support wires will be used in connection with a personal wireless telecommunication facility unless the facility is to be attached to an existing utility pole, alternative antenna support structure, tower or City-owned infrastructure that incorporated guy wires prior to the date that an applicant has applied for a permit.
11. Pole Extensions: Extensions to utility poles, alternative support structures, towers and City-owned infrastructure utilized for the purpose of connecting a personal wireless telecommunications antenna and its related personal wireless telecommunications equipment must have a degree of strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the applicable structural integrity standards as set forth in 12 below. An extension must be securely bound to the utility pole, alternative antenna structure, tower or City-

owned infrastructure in accordance with applicable engineering standards for the design and attachment of such extensions.

12. **Structural Integrity:** The personal wireless telecommunication facility, including the antenna, pole extension and all related equipment must be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures. For any facility attached to City-owned infrastructure or, in the discretion of the City, for a utility pole, tower, or alternative antenna structure, the operator of the facility must provide the City with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation must be prepared by a professional structural engineer licensed in the State of Illinois.
- F. *Signage.* Other than signs required by federal law or regulations or identification and location markings, installation of signs on a personal wireless telecommunication facility is prohibited.
- G. *Screening.* If screening is required under Section (c)(4) above, it must be natural landscaping material or a fence subject to the approval of the City and must comply with all regulations of the City. Appropriate landscaping must be located and maintained and must provide the maximum achievable screening, as determined by the City, from view of adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than nine (9) feet in height. Landscape screening when permitted in the right-of-way must be provided with a clearance of three (3) feet in all directions from the facility. The color of housing for ground-mounted equipment must blend with the surroundings. For a covered structure, the maximum reasonably achievable screening must be provided between such facility and the view from adjoining properties and public or private streets. In lieu of the operator installing the screening, the City, at its sole discretion, may accept a fee from the operator of the facility for the acquisition, installation, or maintenance of landscaping material by the City.
- H. *Permission to Use Utility Pole or Alternative Antenna Structure.* The operator of a personal wireless telecommunication facility must submit to the City written copies of the approval from the owner of a utility pole, monopole, or an alternative antenna structure, to mount the personal wireless telecommunication facility on that specific pole, tower, or structure, prior to issuance of the City permit.
- I. *Licenses and Permits.* The operator of a personal wireless telecommunication facility must verify to the City that it has received all concurrent licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location

and operation of said facility have been obtained and will be maintained within the corporate limits of the City.

- J. *Variance Requirements.* Each location of a personal wireless telecommunication facility within a right-of-way must meet all of the requirements of this Ordinance, unless a variance has been obtained in accordance with [CROSS-REFERENCE TO VARIANCE PROCESS IN RIGHT-OF-WAY ORDINANCE OR ESTABLISHED VARIANCE PROCEDURE].
- K. *Abandonment and Removal.* Any personal wireless telecommunication facility located within the corporate limits of the City that is not operated for a continuous period of twelve (12) months, shall be considered abandoned and the owner of the facility must remove same within ninety (90) days of receipt of written notice from the City notifying the owner of such abandonment. Such notice shall be sent by certified or registered mail, return-receipt-requested, by the City to such owner at the last known address of such owner. In the case of personal wireless telecommunication facilities attached to City owned infrastructure, if such facility is not removed within ninety (90) days of such notice, the City may remove or cause the removal of such facility through the terms of the applicable license agreement or through whatever actions are provided by law for removal and cost recovery.

Permits and Application Fees and Procedures.

Permits for placement of personal wireless telecommunication facilities in right-of-way within the City are required. Except as otherwise provided for by in this Ordinance, the procedures for the application for, approval of, and revocation of such a permit must be in compliance with City permit application requirements in [INSERT CROSS-REFERENCE IN RIGHT-OF-WAY ORDINANCE]. Any applications must demonstrate compliance with the requirements of this section. Unless otherwise provided by franchise, license, or similar agreement, or federal, State or local law, all applications for permits pursuant to this section must be accompanied by a fee in the amount of no less than [INSERT AMOUNT]. The application fee will reimburse the City for regulatory and administrative costs with respect to the work being performed.

Conflict of Laws.

Where the conditions imposed by any provisions of this Chapter regarding the siting and installation of personal wireless telecommunication facilities are more restrictive than comparable conditions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION 3:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4:

If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 5:

The findings and recitals herein are declared to be prima facie evidence of the law of the **City** and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 6:

That this Ordinance shall be in full force and effect on **[INSERT DATE]**, nunc pro tunc.

ZONING PRACTICE

NOVEMBER 2016

AMERICAN PLANNING ASSOCIATION



Ⓢ ISSUE NUMBER 11

PRACTICE WIRELESS FACILITY SITING



Regulating Wireless Facilities in Public Rights-of-Way

By L.S. (Rusty) Monroe and Jackie Hicks

Communities nationwide are being faced with a new wireless facility siting issue: applicants claiming the need and right to locate new tall communications support structures, and related equipment, in public rights-of-way.

When first discussing the issue of new wireless facilities in the public right-of-way (PROW), all too frequently we hear comments such as these from local officials and staff:

- "We were told that most of this issue was preempted and that we had little to say about it anymore."
- "With all the changes in the law and technology, we don't even know what choices of policies we have."
- "We just took the company's word with respect to our rights."
- "How are we expected to deal with the number of applications the Federal Communications Commission (FCC) and other experts say to expect?"

It's disheartening to hear such comments and to hear the frustration in their voices. This article is intended to end that frustration and enable local officials to better understand the issue in context, appreciate the significant regulatory rights communities still have in most states, and make informed decisions related to the issue of siting wireless facilities in the PROW.

Understanding the Matter in Context

Wireless carriers face a demand by the consuming public for ever-increasing capacity, speed, and reliability. This multifaceted demand is rooted in the seemingly endless number of new wireless services being offered, coupled with the new myriad uses of

the Internet—many of which seemed like mere pipe dreams less than a decade ago. Because of this, carriers are reducing the traffic on each original high-power macrocell site by building a number of smaller sites, each serving only a portion of the original area and thus reducing the amount of traffic on any given site. This shift to smaller sites, coupled with the shorter transmission and receive distances involved, is intended to result in the increased capacity, speed, and reliability the public demands. As a consequence, communities will be faced with the challenge of finding ways to accommodate the number of new facilities needed to meet the public's demand without upsetting a large segment of the same public by allowing structures that change neighborhood character, negatively impact property values, or present a threat to public safety. It's a classic NIMBY (not-in-my-backyard) situation.

What's Coming?

The wireless industry has (finally) acknowledged that the number of new sites it needs over the next several years is a magnitude greater than currently exists. Currently there are slightly more than 300,000 wireless facilities nationally. However, going forward (make sure you're sitting down) *each carrier* is going to need—at a minimum—a site to serve no more than 50 to 75 of its customers. (You can do the arithmetic for your community.) In some communities it may be twice as many sites as that, depending upon the number of living units and the demand in a particular area of the community. Of course, in densely populated areas containing large apartment or condominium complexes, the density of sites will be significantly greater, as many complexes will need multiple sites to serve that complex.



This small cell tower facility is located near the University of California, Los Angeles; the base station equipment is located underground.

©1997-2006 CallTowerSite.com, Used with permission.

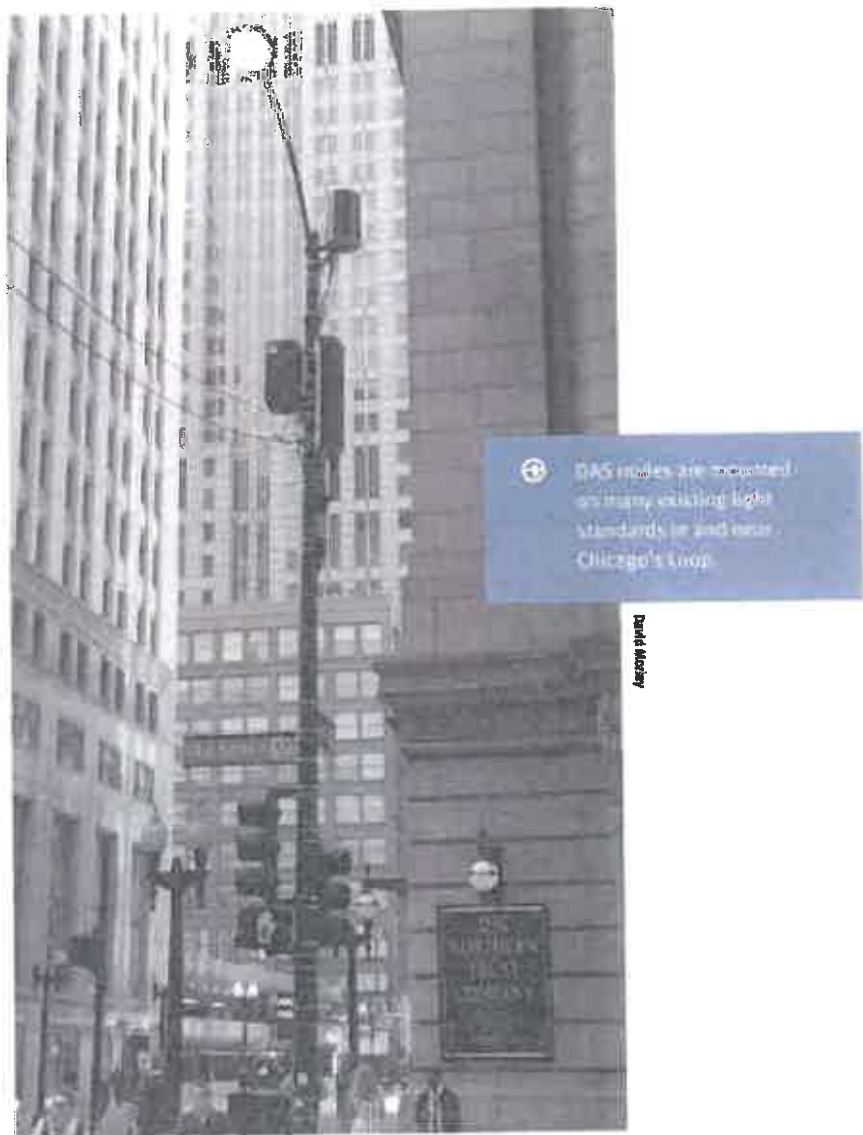
The need for the number of new sites is because of the (exponentially) ever-increasing demand for bandwidth, the very limited range of the newly available higher frequencies, the emergence of the Internet of Things (IoT), and the desire to use the most economical means of “backhauling” the signal to the local or network switch. Experts estimate the demand for bandwidth may be as much as 1,000 times the bandwidth used three years ago. Meanwhile, the higher the frequency of the transmission, the less robust the signal, meaning higher frequency signals have a maximum usable range that is significantly less than has historically been the case. Most experts agree that the amount of traffic on the IoT—the demand created by Internet-enabled appliances, vehicles, buildings, and other objects—is expected to exceed that of the entire Internet today. Combined, this situation is creating a sea change, both for the industry and for those charged with regulating wireless facilities.

The area served by a typical macrocell site today covers an area of about one mile radius or two miles in diameter. Going forward, this same service area could require a half-dozen or more sites (for each carrier), with each site covering a few hundred yards in each direction. In most instances this will be done using distributed antenna system (DAS) or “small cell” technologies. DAS is a system that accommodates multiple carriers using a single smaller and lower powered antenna and a single central base station, with all antenna sites (nodes) connected via optical fiber cables, thus creating a (local or regional) network. Small cell is another newer technology employing smaller, lower-powered antennas serving a single carrier, and the sites are not connected via fiber.

In most communities, these new sites will need to be located in all zoning designations, and frequently the request will be to locate in the PROW, often attaching to existing utility poles, light standards, signs, and similar structures.

A New Type of Player

In virtually every state across the nation there is a new type of player who wants to place support structures (monopoles) ranging in height from 60 to 180 feet in the PROW. The primary purpose of these installations is to provide backhaul service to carriers. “Backhaul” refers to the links between cell sites, controllers, and switches. Generally, the traffic



arriving at a cell site is backhauled to a central location, which is the local switch or the operator’s mobile switch. This new player typically wants to use microwave transmissions to provide this function, but microwave is not the only option. In many instances it’s simply the least costly and can often allow the wireless signals of multiple carriers to be aggregated.

The companies who want to install these taller support structures may claim to have all the rights of a regulated utility. In fact, many communities have received a letter from one of these companies that makes certain assertions regarding who they are, what they do, and what rights they have, as well as implicitly what rights communities do not have with respect to the siting of their facilities. Based on

the letters and proposals to communities we have seen (coast to coast), and those we have dealt with in the context of applications, the visual and physical impact of such facilities can be significant. However, in most cases, most of the negative effects can be prevented and still allow for a win-win situation.

It’s important to understand that these entities are *not* wireless carriers, and without a specifically identified carrier as a joint applicant, they have no standing (i.e., benefits) under federal law or FCC rules. They’re tower/wireless support structure companies. The problem is that they often claim that they are exempt from local zoning, land-use, or similar regulations, simply because they have a “Certificate of Necessity and Convenience” (or

the functional equivalent) from the applicable state's utility regulatory agency. This assertion is not factually correct and in most states is an example of putting a self-serving "spin" on the law.

These companies are not utilities in the traditional sense. They do not provide a retail service to the consuming public as do utilities, and their operations, rates, rate-of-return on invested capital, and customer service standards are not regulated by the state's utility regulatory agency, as is the case with utilities. We have spoken with several state utility regulatory agencies, and not one could explain how or in what manner these new players were regulated by the agency. They are simply the holder of a certificate that effectively gives them the right to locate in the PROW (if permitted under local law and regulation), and in a few states (e.g., New York) enables them to be subject to somewhat less stringent zoning variance or waiver standards. However, they are still subject to local regulations, including but not limited to zoning, construction, land-use, and safety regulations (FCC 14-1535(A) (249,259) & (B) (3)). In no state that we know of does the certificate they hold exempt them from properly adopted local regulations dealing with the location, size/height, aesthetics/appearance, physical design, construction, safety, and maintenance of the facility.

Contrary to what many local officials and staff have been [mis]led to believe, under current federal law and FCC rules, local governments still retain most of their regulatory authority over these issues, including compliance with operational safety regulations. These include compliance with FCC limits on human exposure to radio frequency fields (as explained in the Office of Engineering and Technology's Bulletin 65) and TIA 222, the Telecommunications Industry Association's tower safety standards addressing the design and the ongoing physical state or condition of a tower and the equipment attached to it. Compliance with TIA 222, or in a few states' the functional equivalent, is the elephant in the room that few applicants are addressing. In handling hundreds of applications for modifications or colocations for communities in just the last 24 months, we've found it to be the exception rather than the rule when a wireless facility passes a TIA 222 safety inspection (done by a third party). It's largely a matter of *how* that authority is implemented and administered, rather than the existence



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of the authority itself. The authority exists, but as with all things it must be implemented and administered in accordance with the law.

Backhauling Options

While the new player's business model involves erecting tall monopoles in the PROW to enable carriers to use microwave to backhaul the signal to the switch, microwaving is not a technical necessity, but rather a means of backhauling the signal. The alternative is fiber. Consequently, a community that prohibits new, separate wireless communications support structures in the PROW taller than the existing poles or light standards should not run afoul of the federal prohibition against communities acting in a manner that has the effect of "prohibiting" the provision of service.

A New Type of Support Structure

There has been a new development in support

structures specifically for use in the PROW. These new structures allow accommodation of multiple carriers, with all antennas housed internally, and they do not exceed the height of the adjacent utility or light poles. They can function as a utility pole for incumbent utilities and others, such as a fiber transport company, and can also be designed as a light pole, or both. However, before local governments can effectively promote these structures as alternatives to tall monopoles, the owner(s) of the existing utility or light poles must be on board with the concept, and there must be someone on staff, or available to staff, who truly knows the applicable laws that allow local governments to achieve their goals. That person also needs to know and understand the new technology and its true siting needs, as opposed to the merely asserted need. Then the two areas of knowledge can be "married" to create a win-win regulatory situation.

SECTION 6409(A) AND FCC RULEMAKING 14-153

In addition to the 1996 Telecommunications Act, the federal legislation and FCC rules that are most directly applicable to the deployment of new facilities and the modification of existing facilities today are Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, the FCC Declaratory Ruling 09-99, and the FCC Report and Order 14-153 (clarifying 6409(a) and Declaratory Ruling 09-99).

Under Section 6409(a), state and local governments must approve "eligible facility" requests to modify existing towers or base stations. There have been numerous articles that discuss in detail the specifics of what constitutes an eligible facility, so that is not addressed here. Notably, Section 6409(a) applies only to state and local governments acting in their role as land-use regulators, and does not apply to them acting in their proprietary capacities (i.e., as the owners of public property, including the PROW vis-à-vis franchise or encroachment agreements). These remain contractual in nature and are not encumbered by the new regulations.

What's Preempted Under 6409(a) and 14-153?

The FCC Report and Order 14-153 expressly protect and reconfirm local authority to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other

laws codifying objective standards reasonably related to health and safety, including local zoning and wireless siting, design, and construction regulations. However, 6409(a) and 14-153 do preempt the following:

- The definitions of what constitute an "eligible facility" and a "substantial modification" of a facility, both inside the PROW and outside the PROW.
- The maximum time allowed for determination of completeness/incompleteness and action on an application (i.e., the "Shot Clock" requirement). The allowed time periods are 60 days for an eligible facility and 150 days for a substantial modification or for a new support structure/tower (unless a longer period of time is mutually agreeable).
- Certain National Environmental Policy Act requirements, under certain conditions, for an eligible facility application.
- Proof of technical need for eligible facilities.

Conditions for Eligible Facilities Permits

Given that a community must permit an eligible facility application, and may *not* deny it, a key issue is that of being able to attach conditions. We are not aware of any FCC rule or case law that prohibits attaching conditions to a wireless facility permit, including eligible facility applications. However, for an eligible facility application on an existing structure, the law does prohibit attaching any condition(s) in excess of or more stringent than are needed to assure compliance with the permit issued for the original facility.

HANDLING TODAY'S SITUATION

The current situation, as it has developed, is a game changer for planners and local officials. Regrettably, in our experience many, if not most, municipalities are unprepared for what will be the large number of applications, often submitted simultaneously, for small cell sites, DAS nodes, and microwave backhaul installations, especially in public rights-of-way. We have seen communities as small as 1,500 residential units have as many as a half-dozen applications filed simultaneously by a single carrier. In other larger communities as many as 20 applications, or notices of intent for as many, if not more applications, have been filed simultaneously by a single applicant. Both of these situations place an unreason-

able burden on staff and, because of the Shot Clock requirement, often force them to place these applications ahead of other types of applications awaiting action. Staff is often forced to "rubber-stamp" the applications (as submitted), rather than having the time to review the applications in the detail needed, and intended, by both Congress and the FCC.

Because the requests to place new (tall) wireless facilities in the PROW is new territory for many municipalities, we recommend that they immediately start thinking carefully about the end result(s) they want to achieve. This includes what they want to prevent, what they want to encourage, and what they want to assure happens, as well as the policies needed to achieve those results. As examples, does the community want to regulate any of the following vis-à-vis the PROW?

- The maximum allowable height of facilities in the PROW
- The minimum separation distances between wireless facilities
- The location vis-à-vis the PROW in front of residences
- Appearance/aesthetics (e.g., camouflaging to minimize the impact on the nature and character of the area)
- Setback distances
- Placement and appearance of ancillary equipment (e.g., equipment enclosures)
- The amount of rent charged for the private, commercial use of the PROW

Since these facilities will likely be needed throughout most communities, and are often attempted to be placed directly in front of residences and in sensitive historic preservation and view shed areas, planners and local officials should be very careful in making the necessary new policy decisions regarding placement, size, and appearance vis-à-vis the PROW. In doing so, it is *critical* to keep in mind the law of unintended or unforeseen consequences. Knowledge of the industry, and especially what it considers its confidential and proprietary plans and goals, is the key to preventing this! To attempt to do this without an intimate knowledge of the industry can be dangerous and can have both short- and long-term undesired consequences.

RECOMMENDATIONS

The following recommendations for consideration by planners and local officials are based upon what have been unchallenged policies and practices to date.

Priority of Types of Permits

Make sure the community's wireless facility regulations expressly state that even though a new structure may be proposed to go in the PROW, and notwithstanding anything else to the contrary, such a new structure, regardless of its location, height, or appearance, should be defined as first, foremost, and always a (wireless) communications tower or facility that is subject to the local wireless facility



These wireless communications equipment cabinets are located in the public right-of-way between the curb and the sidewalk.

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regulations. Any other permitting regulations should be secondary to this and should require a zoning or land-use permit under the local wireless facility regulations before obtaining any other permit.

Maximum Permitted Height

We recommend that communities establish a maximum permitted height for wireless facilities in the PROW. Communities may want to consider different height limits for different zoning districts, or different geographic parts of the community regardless of the zoning district.

For taller facilities proposed in less restrictively zoned districts (such as industrial or commercial districts), but near more restrictively zoned districts (such as residential districts), there is an easy way to mitigate the impact and possibly prevent a good deal of political dissatisfaction from the public.

A community may want to require that, within a given distance of the boundary of an adjacent zoning district that is more restrictive (e.g., within 1,000 feet of an R-1 zoning district), the height limit is the same as the more restrictive district. Otherwise, residents living on or near the district border will likely have to live with the effects of a facility only a short

distance from their home that would not otherwise be allowed in the residential district.

Communities can also stipulate that the maximum permitted height in the PROW (or within reasonable proximity to the PROW) may be no taller than the existing, immediately adjacent utility poles or light standards. This is not an unreasonable limit, since the vast majority of the new wireless facilities going in the PROW are for capacity and are not primarily to increase coverage. They are intended to serve only a portion of the area currently served, and thus increased coverage is not normally an issue, other than to improve service to residents in some small areas on the border of the current service area. The goal is to have no service borders.

Since they're generally going to be serving only a portion of the area currently served, these sites seldom need to be taller than the existing adjacent utility poles. Providers may need to construct two shorter facilities, rather than a single taller facility or one shorter facility in combination with a colocation on an existing structure, but most communities would prefer either of these situations to a single tall facility (that's really not needed technically).

Federal law does not require a community to grant a permit for a single facility if two

or more smaller/shorter facilities can achieve substantially the same result, or better; nor does it require a community to take into account the capital cost to a carrier to achieve what it desires while complying with land-use and zoning regulations. Those costs are capitalized under an accelerated depreciation schedule.

Minimizing Visual Impact in the PROW

To minimize the visual impact and control the appearance of a specific facility in the PROW, communities might want to consider requiring, as the number one siting priority, that any proposed (new) array of antennas be mounted on a structure that enables the antennas to be placed *inside* a new pole, unless the applicant can prove (by clear and convincing technical evidence) that doing so would serve to "prohibit" the provision of service to at least a substantial portion of the area intended to be served by the new facility (47 U.S.C. §332(c) (7)(B)). This is a very high bar that Congress intentionally set, and in most instances involving the PROW is extremely difficult to prove technically. If one knows and understands the technical intricacies and nuances involved.

Another slightly different approach would be to prohibit any new antenna array from being visibly identifiable as such to the average person—different wording, but the same effect.

Rather than just accepting another ugly new array of antennas attached to an existing utility pole or light standard, and notwithstanding 6409(a), some communities require that, instead of just colocating on an existing utility or light pole with the antennas mounted on the outside around the pole, an applicant must arrange to have the pole replaced with one that houses the antenna(s) inside. They may still locate in the PROW, but they must do it in accordance with this "stealth" or "camouflaging" policy in the community's wireless facility siting regulations.

Revenue and Rent

For reasons of generating revenue, a community may prefer new wireless facilities to be located in the PROW as the number one siting priority. The rent for the commercial use of the PROW can be deemed an encroachment fee, a franchise fee, or any functional equivalent. In most states this can be accomplished easily in the local regulations. This rent can be significantly more than many communities realize they can demand, and regrettably, all too

many undervalue this asset or are convinced that charging less will gain them something or prevent some negative effect.

In more than four decades assisting hundreds of communities, we do not recall a single instance when a community gained something significant or prevented something negative by charging a low rent. Rent for the private commercial use of the PROW should be a set amount, which could be dependent upon location. On a related note, pay close attention to the entire proposed lease agreement. A number of issues may be buried there to avoid scrutiny, and seldom is the language in the lessor's favor.

One example of this is the industry preference to slip in what seems a "reasonable" requirement for a periodic rent escalator to be a percent increase (e.g., 15 percent over the initial rent every five years). If this every-five-year approach is accepted for the common 20- to 30-year lease, the community (unknowingly) may give up more than half the revenue it would otherwise have realized from the rent.

Another example is the trap of tying the initial rent to the "prevailing" rent paid in the area. That sounds reasonable, but most leases, for both towers and antennas attached to other structures, were signed for significantly less rent than the landlord could have obtained, commonly as much as two-thirds less. In such instances, if all the rents in the area are based on the prevailing amount at the time the first leases were signed, by definition that base amount never changes, not unlike with rent-controlled apartments.

When the State Prohibits Requiring the Use of the Community's Property

Some states, such as North Carolina, prohibit communities from requiring outright that their property be the number one location priority. However, there are almost always multiple owners of the PROW in a community (e.g., the municipality, the county, or the state). Simply requiring that the PROW in general (not just the ones owned by the community) are deemed to be the number one priority should steer clear of state prohibitions against requiring the use of "the community's" property. It then becomes a general land-use issue and is not tied to the ownership of the land.

For a facility proposed to be located outside the PROW, but within a given distance of the PROW, a community could require "clear and convincing" (technical) evidence of the

inability to locate in the PROW, perhaps even using a couple of sites instead of just one, and still accommodate the need or goal of the carrier and likely provide even better service. Thus, there would be no "prohibition" of the provision of service vis-à-vis federal law. Conversely, if the community does not want new facilities to be located in the PROW, the PROW can be placed further down in the list of siting priorities, perhaps even last.

CONCLUSION

The rise in applications for wireless facilities in public rights-of-way is a classic NIMBY situation, but in this case it's one that actually has solutions. Often, communities can create win-win situations without giving up rights or regulatory control. Permitting can be done so that carriers can get what they need technically, but with a minimum of public controversy and with minimal visual intrusion and impact on property values.

The industry tries to get planning staff and local officials to believe that if they have the type of regulations they really need and should have, it will discourage and slow down deployment by the industry. But history has shown this to not be factually accurate. One need only compare the situation in communities that have strict regulations crafted with an in-depth knowledge of the industry and the law to the situation in communities with minimal or even no regulation. Arguably, some of the best wireless service in the nation is found in communities with strict regulations.

Officials, staff, and attorneys should never make assumptions, unless they know for a fact that their assumptions are correct. We recommend that communities consult an expert (who has no ties with the industry) and discuss with that person their objectives and the several options they have to achieve their policy goals.

Remember, the industry largely sees part of its job as being to avoid regulations and is constantly looking for ways around—or inherent legal problems with—regulations, whether the regulations are federal, state, or local. That doesn't necessarily make them bad actors, though. They're simply not charged with protecting the public interest as are local officials.

It's up to local officials to see that they and their staff know, or have access to, an expert who knows how to assure that both the public and the public interest are protected.

ASK THE AUTHORS

L.S. (Rusty) Monroe is an owner of Monroe Telecom Associates, LLC, and a co-owner of The Center for Municipal Solutions (CMS), both of which for 20 years have assisted local governments in dealing with the regulation of towers and wireless facilities. Collectively, they currently represent approximately 900 communities in 38 states. Monroe has conducted workshops and seminars for more than 30 local and national government organizations on the regulation of towers and wireless facilities, including multiple times for a number of them. Questions may be sent to lm Monroe@ncrr.com.

Jackie Hicks is the owner of Carolina Telecommunications Services and has been a tower and wireless facilities consultant exclusively to local governments for more than a decade. She has handled more than 1,000 applications without a single challenge to her recommendations to clients. Questions may be sent to hicksja@carolinatelecomservices.com.

Cover: David Morley

Vol. 33, No. 21

Zoning Practice is a monthly publication of the American Planning Association. Subscriptions are available for \$95 (U.S.) and \$120 (foreign). James M. Brinen, Jr., Chief Executive Officer; David Rouse, FAICP, Managing Director of Research and Advisory Services. *Zoning Practice* (ISSN 1548-0135) is produced at APA. Jim Schwab, FAICP, and David Morley, AICP, Editors; Julie Von Bergen, Senior Editor.

Missing and damaged print issues: Contact Customer Service, American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601 (312-431-9100 or customerservice@planning.org) within 90 days of the publication date. Include the name of the publication, year, volume and issue number or month, and your name, mailing address, and membership number if applicable.

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**MUNICIPAL SERVICES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET**

AGENDA ITEM DESCRIPTION

**DISCUSSION – Cherry Tree Lane: Proposed Sump Pump
Drainage Project**

COMMITTEE REVIEW

☐ Finance/Administration

☒ Municipal Services

☐ Public Safety

Meeting Date:

March 13, 2017

☒ Discussion Only

☐ Approval of Staff Recommendation (for consideration by Village Board at a later date)

☐ Seeking Feedback

☐ Approval of Staff Recommendation (for immediate consideration by Village Board)

☐ Regular Report

☐ Report/documents requested by Committee

BACKGROUND

On February 8, 2016, several residents of the Village's Farmingdale Subdivision attended the regular Village Board meeting to report areas of pedestrian sidewalk within the subdivision that tend to become hazardous to pedestrians due to the discharge of residential sump pumps. In these areas, active residential sump pumps tend to discharge onto or near the public walks and cause icing hazards during the winter season. The residents provided pictures taken of ten (10) individual locations in which this condition was occurring. In response to these reports, public works crews were dispatched the following morning to inspect the areas and confirm the conditions. At that time, protective barricades were placed at all locations in which a pedestrian hazard due to icing was identified. Public works crews also inspected the remainder of the subdivision and identified additional locations where sidewalk hazards existed due to sump pump discharges. In total, twenty-one (21) locations were identified with two (2) located within the City of Darien, which were reported to the Darien Municipal Services Department. A letter was sent to all affected property owners advising that alterations to the manner in which their sump pumps discharged would be needed in order to eliminate the sidewalk hazards. The letter also offered the services of the Village engineering consultant to inspect the individual areas and make recommendations as to how those sump pump discharges could be re-routed, to eliminate the sidewalk hazard.

REQUEST FOR FEEDBACK

Throughout 2016, public works and building dept. staff, along with the Village engineer, worked with the property owners to ensure the necessary alterations were made. Of the original twenty-one (21) locations identified, only one (1) remains. Unfortunately, that owner was issued a ticket, and will proceed to court. PW crews have also identified several residential sump pumps that are causing icing conditions on Cherry Tree Lane, which could cause a problem for vehicular traffic and is detrimental to pavement maintenance. The conditions were reviewed by the Village consulting engineer and a plan to eliminate the potential hazard was developed. This drainage improvement would be located entirely on Village right-of-way.

VENDOR	TYPE	COST
Sunset Sewer & Water, Inc.	Installation Labor & Equipment (T&M, NTE)	\$7,835.30
Underground Pipe & Valve Company	Materials	\$3,495.33
TOTAL:		\$11,330.63

STAFF RECOMMENDATION

Staff recommends the completion of this project within the FY 2017/18 budget, so it could be completed sometime after May 1, 2017. The proposal would need to be approved by the Village Board at a future meeting.

MEMORANDUM

February 23, 2017

TO: Tim Halik

FROM: Daniel L. Lynch, PE, CFM

SUBJECT: Cherry Tree Lane – Sump Discharge
(CBBEL Project No. 900144 H99)



As requested, we have made a site visit and evaluation of how to intercept sump pump discharge so as not to have water flow over the sidewalk and/or curb during dry weather conditions. Six houses, from 7737 to 7819 Cherry Tree, had sump discharge pipes extending to the right of way and there were signs of regular flow. Because of the regular flow, moving the points of discharge closer to the homes will not likely solve the problem.

We suggest the following:

There is a set of curb inlets at approximately the common lot line of 7811/7819 Cherry Tree. A 6" storm sewer should be cored into the east inlet and a yard inlet with closed lid added behind the curb line. A six-inch sewer would then be extended north and south. The south sewer will need to extend approximately ten feet to intercept the water flowing over the curb. The north extension will have to extend approximately 330 feet to intercept all discharges. A wye should be provided at each house service and a clean-out or inlet at the north end. Four driveways will have to be crossed. A schematic diagram is attached for reference.

If you have any questions, please feel free to contact me.

Attachment





SUNSET SEWER & WATER, INC.

PO Box 1954
Frankfort, IL 60423
Phone 815-469-0610
Fax 815-469-0680

RECEIVED

MAR - 1 2017

VILLAGE OF
WILLOWBROOK

Proposal ID: SS17-019

Name: Village of Willowbrook

Date: 2/28/2017

Address: 835 Midway Dr

Location: 7737 to 7819
Cherry Tree Lane

City: Willowbrook State: IL ZIP 60527

6" PVC Drain

Attention: Mr. Tim Halik

Description: Connections

Sunset Sewer & Water, Inc. is pleased to submit a proposal for this project in accordance with plans & specifications as prepared by:

Site Visit on 2/27/17.

Qty	Description	Unit Price	Total
	6" PVC Drain Connections & Inlet Boxes		
	Sunset Sewer & Water, Inc proposes to excavate existing 30" RCP Storm sewer in Parkway at six locations between 7737 & 7819 Cherry Tree Lane, core 30" pipe, install Kor-N-Tee Boot, install 6" PVC to new 12" inlet box at property line, install 6" wye for cleanout, and connect existing 4" or 6" drain tile to new inlet box. Sidewalks to be saw cut & hauled to Village stockpile site, excess spoils hauled to Village stockpile site, and parkways left level for settling. Project to be completed on T&M estimated at:		
	Labor		
12	Hours of Foreman W/Truck & Tools S.T.	\$ 148.00	\$ 1,776.00
12	Hours of Backhoe Operator S.T.	\$ 129.50	\$ 1,554.00
12	Hours of Laborer S.T.	\$ 104.55	\$ 1,254.60
14	Hours of Driver S.T.	\$ 95.05	\$ 1,330.70
	Equipment		
12	Hours of 10,000LB Backhoe	\$ 50.00	\$ 600.00
14	Hours of 6 Wheel Dump Truck	\$ 40.00	\$ 560.00
1	Lump Sum for 6 Cores	\$ 760.00	\$ 760.00
	Materials		
	Provided by Village		
	Estimated Total on T & M Not to Exceed		\$ 7,835.30

SUNSET SEWER & WATER, INC.

PO Box 1954
Frankfort, IL 60423
Phone 815-469-0610
Fax 815-469-0680

Proposal ID: SS17-019

Name: Village of Willowbrook

Date: 2/28/2017

Address: 835 Midway Dr

Location: 7737 to 7819
Cherry Tree Lane

City: Willowbrook State: IL ZIP: 60527

6" PVC Drain

Attention: Mr. Tim Halik

Description: Connections

Sunset Sewer & Water, Inc. is pleased to submit a proposal for this project in accordance with plans & specifications as prepared by:

Site Visit on 2/27/17.

Qty	Description	Unit Price	Total
	Notes Prices include mobilization to site, hauling spoils to village stockpile, utilizing mini backhoe for excavation, installation of materials provided, and leaving site graded for landscaping. Prices do not include materials, restoration, permits, bonds, or fees.		
<i>All work shall be completed on T&M not to Exceed</i>			\$ 7,835.30

Seven Thousand, Eight Hundred Thirty Five & 00/100

Dollars

The "General Conditions" on attached pages shall be considered as part of the proposal.

Sunset Sewer & Water, Inc. is hereby authorized to proceed per proposed items, prices, general conditions, and notes listed above.

Respectfully Submitted by,
Sunset Sewer & Water, Inc.

Accepted By: _____

Proposed By: Bryan Thrun

Date: _____

Date: 2/28/2017

Prices quoted are good for 30 days. Pricing is based on standard work hours and work days. Changes in scope of work will require recalculation of price and acceptance of owner before work may continue.

Payment terms: Invoices will be submitted at the end of every month. Payments are due within 30 days of date on invoice.



Underground Pipe & Valve, Co.

YOUR ADDRESS:
211 Armory Road
Hawthorne, IL 60430
(815) 730-1100

1-800-228-6574

MAILING ADDRESS:
P.O. Box 274
Pawnee, IL 60643-0274
Fax: (815) 730-1870

RECEIVED

MAR - 1 2017

VILLAGE OF
WILLOWBROOK

Quotation

Bid Date 3/1/2017 Page 1

Name: VILLAGE OF WILLOWBROOK Job: 12" STORM DRAINAGE REPLACEMENT
Attn: TIM HALIK - AJ PASSERO
Phone: 630-920-2238 Fax:
Email: F.O.B: Terms:

Line	Quantity	Description	Unit	Price	Total
1	6	6" INSERTA TEE x 30" RCP	EA	\$ 105.00	\$630.00
2	1	ESTIMATED FREIGHT CHARGE	EA	\$ 50.00	\$50.00
3	90	6" SDR26-3034 PVC PIPE	LF	\$ 2.69	\$ 242.10
4	6	6" x 6" WYE	EA	\$ 28.00	\$ 168.00
5	6	6" 45 BEND	EA	\$ 15.00	\$ 90.00
6	6	6" CLEAN-OUT ADAPTER	EA	\$ 30.00	\$ 180.00
7	6	12" x 12" DRAIN BOXES	EA	\$ 99.00	\$ 594.00
8	6	12" x 12" x 6" DRAIN BOX EXT'S	EA	\$ 25.00	\$ 150.00
9	6	6" CAST IRON CLEAN-OUT COVER	EA	\$ 185.00	\$ 1,110.00
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22		SUB TOTAL			\$3,214.10
23		TAX (IF APPLICABLE)			\$ 281.23
24		TOTAL			\$ 3,495.33
25					
26					
27					
28					
29					
30					

WILLOWBROOK POLICE FACILITY RENOVATION

Monthly Progress Report
March 8, 2017



VILLAGE OF WILLOWBROOK PROGRESS REPORT

DATE: MARCH 8, 2017



KEY ACCOMPLISHMENTS

- NICOR service has been installed
- Interior drywall, doors, frames, ceiling grid, and lighting nearly complete.
- Sprinkler head and HVAC diffuser placement, painting and ceramic tile installation continues.
- Low voltage cabling underway



BUDGET

	Budget	Approved Contract Amount	Spent to Date
U Morse		\$3,152,000*	\$1,889,770.40
TSC (Geotechnical Testing)		TBD (~\$5,700)	\$5468.13
Relke (Furniture)		\$141,865	-

*original contract amount not including approved change orders below

Change Order	Date Issued	Description	Cost	Disposition	Project Budget
Change orders approved through last reporting period					
CO #21	1/25	6 outlet additions	\$383.00	ACCEPTED	\$60,598.00
CO #22	1/25	RTU Conduits and disconnects	\$3839.00	ACCEPTED	\$383.00
CO #23	1/27	Insulation at existing CMU walls	\$3073.00	ACCEPTED	\$3839.00
CO #24	2/7	Insulate existing walls	\$6308.00	ACCEPTED	\$3073.00
CO #25	2/21	Locker Room floor repair	\$5922.00	ACCEPTED	\$6308.00
CO #26	2/28	Exhaust fans	\$1349.00	ACCEPTED	\$5922.00
CO #27	2/21	Artcraft Railing	\$6077.00	ACCEPTED	\$1349.00
CO #28	2/28	ComEd additional 4" conduit	\$6650.00	ACCEPTED	\$6077.00
CO #29	2/28	Ceiling Conflicts RTU's	\$3581.00	ACCEPTED	\$6650.00
CO #30	2/28	Soffit	\$2040.00	ACCEPTED	\$3581.00
PCO 36	2/28	Inlet Rim cover	\$1055.00	DECLINED	\$2040.00
Approved Cost to VoW (3% of original construction cost)					\$100,120



SCHEDULE



UPCOMING ACTIVITIES (2-4 WKS)

- ComEd transformer installation is being coordinated, all prep work complete by LHM and required 4" conduit is in place, awaiting ComEd notifications and service work.
- Exterior aluminum window installation, interior glass, mezzanine steel and carport footings will be underway.



ISSUES/RISKS

LOW RISK MEDIUM RISK HIGH RISK

Issue (I) / Risk (R)	PM	Action/Contingency Plan
1. Unforeseen underground obstructions when digging for carport footings	LOW RISK	T&M Change Order approved to proceed with excavation within footing area. Guidance from TSC on backfill and compaction.
2. ComEd 3-phase power, additional conduit	LOW RISK	Meeting with ComEd to discuss details. Paul (ComEd) working with VoW to expedite service work. Additional 4" conduit in place currently.
3. Delay on delivery of overhead and coiling doors due to driver strike	LOW RISK	LHM working to coordinate delivery to site as soon as possible. No project delay anticipated.
4. Crack in signage wall of Village Hall, similar design on PD plans, mitigate potential issue	LOW RISK	WA providing direction to ensure integrity of design not to replicate issue in PD. Costs being negotiated.



EST. 1960

Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

MONTHLY REPORT

MUNICIPAL SERVICES DEPARTMENT

Permits issued for the month of February, 2017

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Tim Halik

Chief of Police

Mark Shelton

Bathroom Remodel	1
Door Replacement	4
Foundation Only	1
Foundation Stabilization	2
Interior Office Build Out	1
Plan Review	4
Roof	2
Roof Top Upgrade	1
Sign	1
Tenant Improvements	1
Window Replacement	3

TOTAL	21
-------	----

Final Certificates of Occupancy	1
Temporary Certificates of Occupancy	0

Permit Revenue for February, 2017	25,544.07
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Total Revenue Collected for Fiscal Year To Date	465,844.30
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Total Budgeted for Fiscal Year 2016/17	232,500.00
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Total Percentage of Budgeted Revenue Collected to Date	200.36
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Respectfully submitted,

Timothy Halik
Village Administrator

TH/jp



Proud Member of the
Illinois Route 66 Scenic Byway

MUNICIPAL SERVICES DEPARTMENT

PERMIT REVENUE

Fiscal Year 2016/17

MONTH	CURRENT FISCAL YEAR	PRIOR FISCAL YEAR
MAY	\$ 28,379.31	\$ 11,447.58
JUNE	\$ 13,426.64	\$ 21,083.13
JULY	\$ 19,166.25	\$ 19,426.58
AUGUST	\$ 59,753.64	\$ 15,150.56
SEPTEMBER	\$ 62,997.75	\$ 146,015.93
OCTOBER	\$ 132,950.27	\$ 24,175.36
NOVEMBER	\$ 74,028.63	\$ 39,743.04
DECEMBER	\$ 9,337.62	\$ 15,692.73
JANUARY	\$ 40,260.12	\$ 9,450.41
FEBRUARY	\$ 25,544.07	\$ 9,393.21
MARCH		\$ 32,001.35
APRIL		\$ 25,586.99
COLLECTED REVENUE	\$ 465,844.30	\$ 369,166.87
BUDGETED REVENUE	\$ 232,500.00	\$ 200,000.00
REVENUES COLLECTED- (OVER)/UNDER BUDGET	\$ (233,344.30)	(169,446.87)
PERCENTAGE OF BUDGETED REVENUE COLLECTED	200.36%	184.72

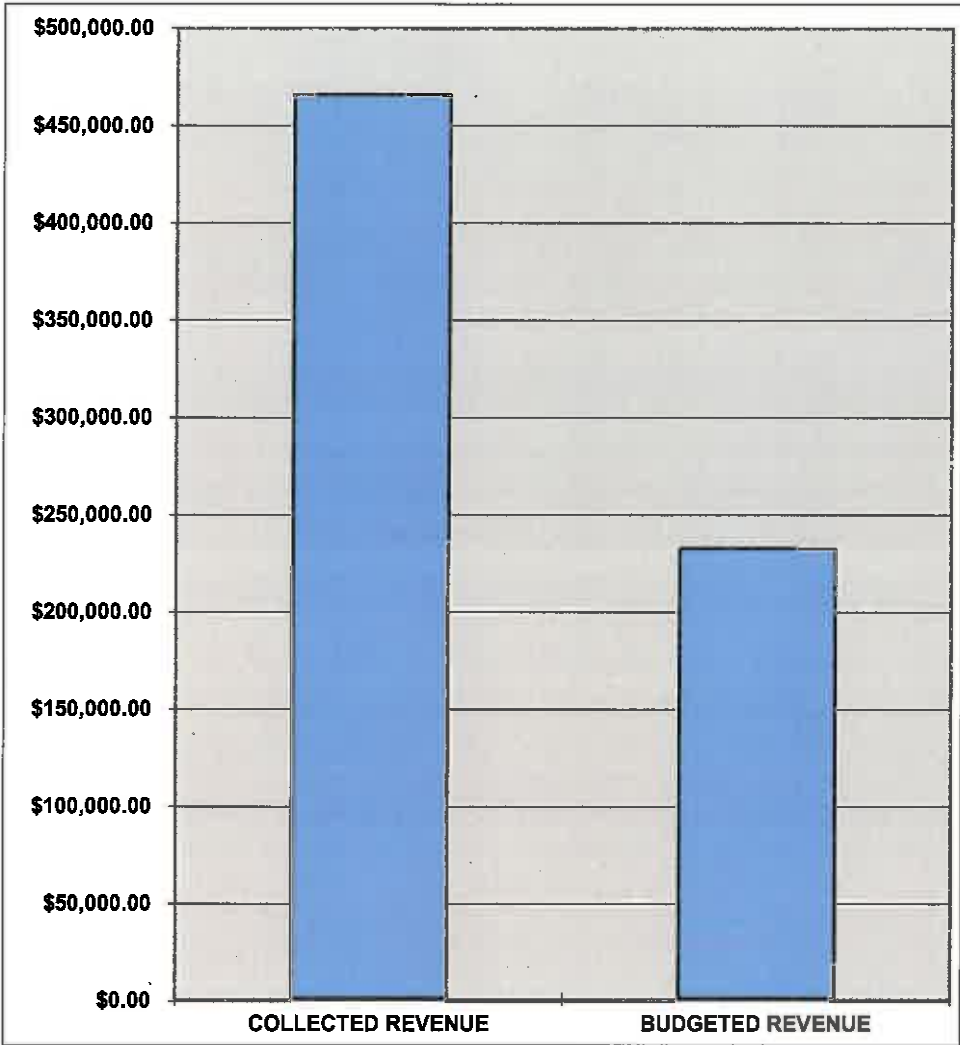
MUNICIPAL SERVICES DEPARTMENT

PERMIT REVENUE

	Fiscal Year 16/17	Fiscal Year 15/16
COLLECTED REVENUE	\$ 465,844.30	\$ 369,446.87
BUDGETED REVENUE	\$ 232,500.00	\$ 200,000.00

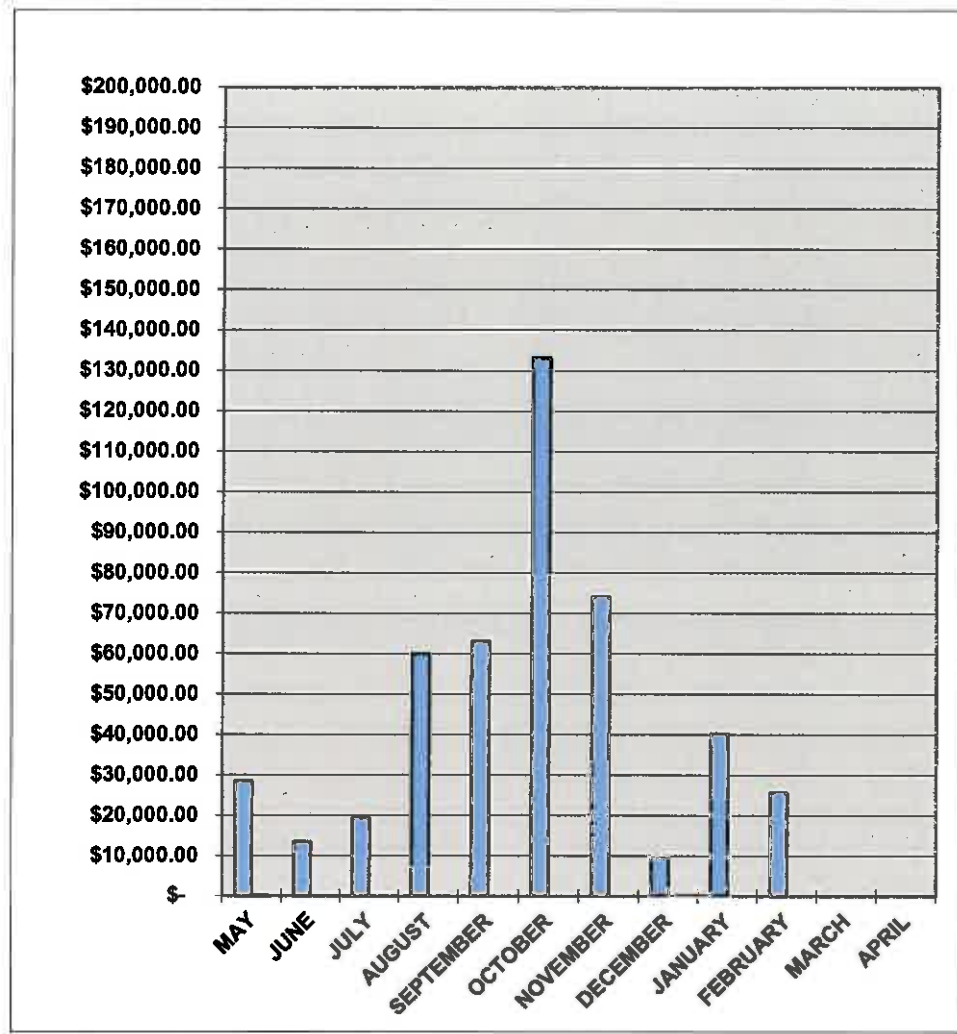
MUNICIPAL SERVICES DEPARTMENT

PERMIT REVENUE



MUNICIPAL SERVICES DEPARTMENT

PERMIT REVENUE



Permit	Date Issued:	Name:	Address:	Permit Purpose:	Business Name:	Fee:	RES / COMM:	Date Released:
17-016	02/06/17	William Stuart	5903 Bentley	Bathroom Remodel		\$ 355.00	R	02/06/17
17-020	02/09/17	Kim Pennacchio	7 Kane Court	Door Replacement		\$ 75.00	R	02/09/17
17-026	02/14/17	Kevin Vineyard	607 68th Street	Door Replacement		\$ 75.00	R	02/14/17
17-028	02/15/17	Gary Novatny	7631 Clarendon Hills Rd	Door Replacement		\$ 75.00	R	02/14/17
17-038	02/22/17	Krasimir Kronchev	6816 Caitlin Ct	Door Replacement		\$ 75.00	R	02/22/17
17-027	02/15/17	Eugene Grzynkiewicz	900 Plainfield	Foundation Only	Pete's Fresh Market	\$ 11,373.00	C	02/15/17
17-025	02/16/17	Theresa Clark	6155 Lake Park Lane	Foundation Stabilization		\$ 250.00	R	02/16/17
17-031	02/22/17	William Whitney	242 Stanhope Dr	Foundation Stabilization		\$ 250.00	R	02/22/17
16-429	02/14/17	Gregory Saccomanno	650 Willowbrook Center	Interior Office Build out	FCI Construction	\$ 1,560.67	C	02/14/17
17-021	02/06/17	Pulte Corporation	312 Arabian Circle	Plan Review	Pulte Corporation	\$ 750.00	C	02/06/17
17-015	02/07/17	Hinsbrook Bank	6262 Kingery	Plan Review	Hinsbrook Bank	\$ 2,000.00	C	02/07/17
17-023	02/08/17	Leslie Schultz	740 67th Place	Plan Review		\$ 750.00	R	02/08/17
17-034	02/21/17	Key Investment	825 75th Street	Plan Review	Key Investment	\$ 2,000.00	C	02/21/17
16-454	02/17/17	Laura Rusnak	7827 Blackberry Lane	Roof		\$ 35.00	R	02/17/17
17-035	02/22/17	Robin Courtney	713 73rd Court	Roof		\$ 35.00	R	02/22/17
17-036	02/27/17	AT&T	6340 Americana	Roof Top Upgrade		\$ 1,000.00	R	02/27/17
17-018	02/06/17	Highline Auto Sales	555 Executive Drive	Sign	Highline Auto	\$ 535.40	C	02/06/17
17-024	02/10/17	Eugene Grzynkiewicz	800 Plainfield	Tenant Improvements	Pete's Fresh Market	\$ 4,000.00	C	02/10/17
17-019	02/06/17	Angele Makariene	6148 Knollwood Rd	Window Replacement		\$ 75.00	R	02/06/17
17-029	02/16/17	William Richards	701 Lake Hinsdale Dr	Window Replacement		\$ 75.00	R	02/16/17
17-039	02/27/17	Robert Guenther	201 Sunset Ridge Road	Window Replacement		\$ 75.00	R	02/27/17

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GL ACTIVITY REPORT FOR WILLOWBROOK
FROM 01-00-310-401 TO 01-00-310-401
TRANSACTIONS FROM 02/01/2017 TO 02/28/2017

Page: 1/1

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 01 GENERAL FUND							
02/01/2017			01-00-310-401 BUILDING PERMITS		BEG. BALANCE		(431,103.31)
02/06/2017	CR	RCPT	Building Dept. Invoice 02/06/2017			825.00	(431,928.31)
02/07/2017	CR	RCPT	Building Dept. Invoice 02/07/2017			2,355.00	(434,283.31)
02/08/2017	CR	RCPT	Building Dept. Invoice 02/08/2017			750.00	(435,033.31)
02/09/2017	CR	RCPT	Building Dept. Invoice 02/09/2017			75.00	(435,108.31)
02/10/2017	CR	RCPT	Building Dept. Invoice 02/10/2017			4,250.00	(439,358.31)
02/14/2017	CR	RCPT	Building Dept. Invoice 02/14/2017			1,635.67	(440,993.98)
02/15/2017	CR	RCPT	Building Dept. Invoice 02/15/2017			10,948.00	(451,941.98)
02/16/2017	CR	RCPT	Building Dept. Invoice 02/16/2017			75.00	(452,016.98)
02/17/2017	CR	RCPT	Building Dept. Invoice 02/17/2017			35.00	(452,051.98)
02/21/2017	CR	RCPT	Building Dept. Invoice 02/21/2017			2,000.00	(454,051.98)
02/22/2017	CR	RCPT	Building Dept. Invoice 02/22/2017			1,075.00	(455,126.98)
02/22/2017	CR	RCPT	Building Dept. Invoice 02/22/2017			35.00	(455,161.98)
02/24/2017	CR	RCPT	Building Dept. Invoice 02/24/2017			250.00	(455,411.98)
02/27/2017	CR	RCPT	Building Dept. Invoice 02/27/2017			75.00	(455,486.98)
02/28/2017	CR	RCPT	Building Dept. Invoice 02/28/2017			125.00	(455,611.98)
02/28/2017			01-00-310-401	END BALANCE	0.00	24,508.67	(455,611.98)

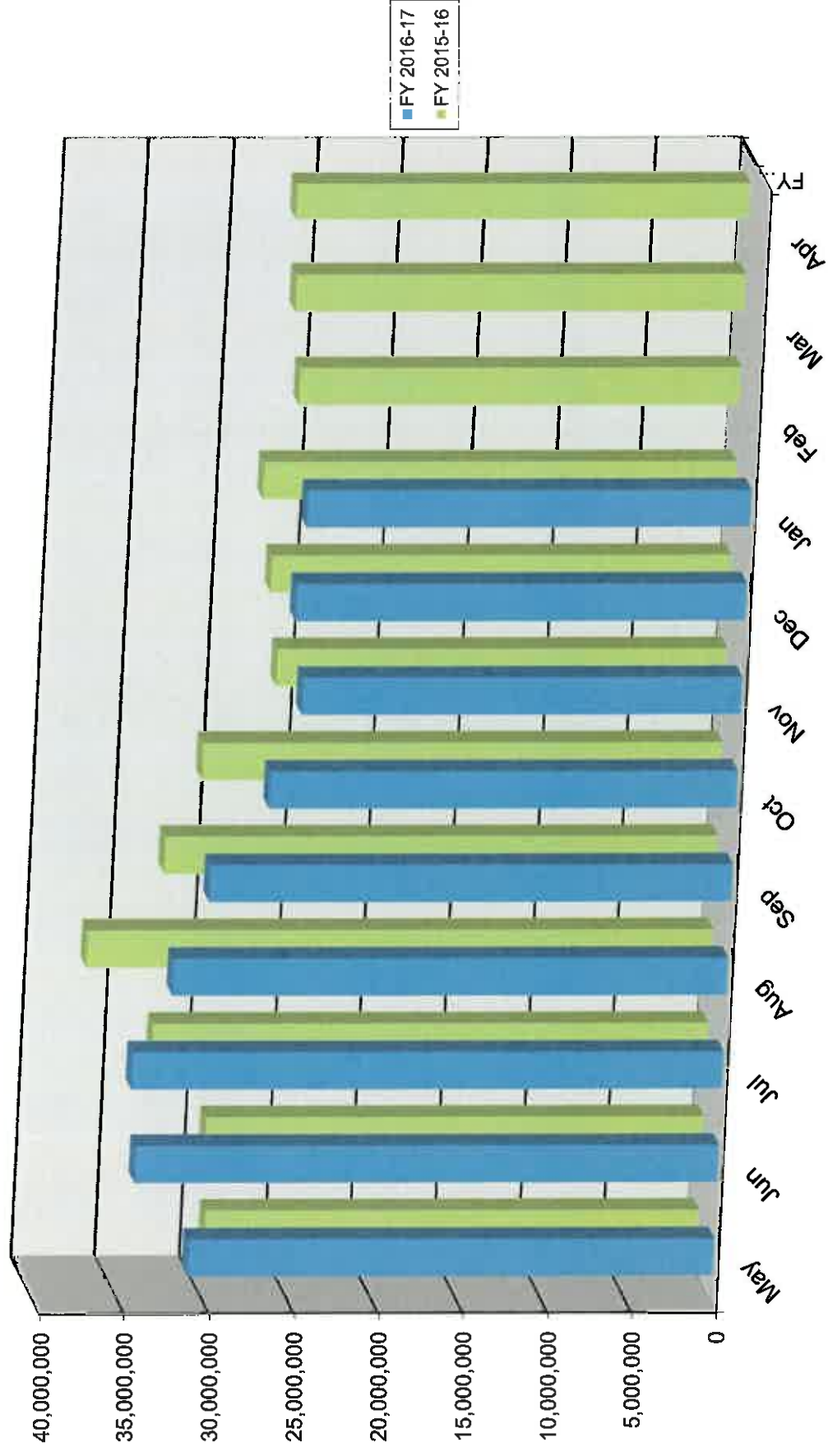
VILLAGE OF WILLOWBROOK - PUMPAGE REPORT
TOTAL GALLONS PUMPED
FY 2002/03 - FY 2016/17

Month	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
May	32,267,000	33,518,000	35,018,000	35,919,000	35,162,000	36,696,000	33,890,000	31,322,000	31,715,000	30,725,000	34,220,000	30,860,000	29,547,000	29,213,000	31,048,000
June	38,911,000	38,691,000	35,447,000	48,511,000	42,471,000	43,700,000	33,817,000	32,087,000	31,799,000	32,620,000	44,635,000	31,512,000	32,193,000	29,447,000	34,451,000
July	52,100,000	39,116,000	41,248,000	52,479,000	43,279,000	44,574,000	41,463,000	36,819,000	38,513,000	41,371,000	49,498,000	39,106,000	33,122,000	32,813,000	34,898,000
August	44,167,000	40,433,000	41,059,000	47,861,000	41,114,000	38,778,000	43,017,000	38,516,000	38,745,000	35,639,000	40,272,000	41,448,000	32,796,000	36,985,000	32,739,000
September	40,838,000	36,275,000	39,658,000	43,906,000	32,998,000	42,013,000	33,418,000	34,331,000	33,992,000	32,273,000	33,657,000	35,737,000	31,869,000	32,623,000	30,853,000
October	33,128,000	31,667,000	33,765,000	35,009,000	31,937,000	34,612,000	30,203,000	28,919,000	33,789,000	29,892,000	30,283,000	29,226,000	28,728,000	30,690,000	27,589,000
November	28,560,000	28,260,000	30,106,000	29,515,000	29,153,000	29,847,000	28,054,000	26,857,000	28,125,000	27,138,000	27,535,000	28,446,000	25,364,000	26,585,000	25,929,000
December	30,503,000	29,133,000	32,786,000	31,086,000	30,102,000	31,435,000	29,568,000	28,931,000	29,257,000	28,643,000	27,863,000	29,847,000	26,710,000	27,194,000	26,581,000
January	30,343,000	29,602,000	31,223,000	29,411,000	30,340,000	32,444,000	29,383,000	28,123,000	28,401,000	28,846,000	28,427,000	31,265,000	28,505,000	27,915,000	26,165,000
February	27,216,000	28,755,000	26,768,000	27,510,000	29,078,000	29,470,000	26,629,000	25,005,000	24,988,000	26,635,000	24,308,000	29,230,000	25,484,000	26,048,000	
March	29,488,000	30,315,000	30,025,000	29,905,000	30,362,000	31,094,000	28,408,000	27,945,000	27,909,000	28,911,000	27,862,000	29,917,000	28,779,000	26,552,000	
April	29,845,000	29,350,000	29,478,000	30,452,000	29,468,000	30,239,000	27,193,000	27,793,000	27,145,000	34,220,000	27,514,000	28,101,000	25,255,000	26,791,000	
TOTAL	417,366,000	395,115,000	406,581,000	441,564,000	405,464,000	424,902,000	385,043,000	366,648,000	374,378,000	376,913,000	396,074,000	384,695,000	348,352,000	352,856,000	270,253,000

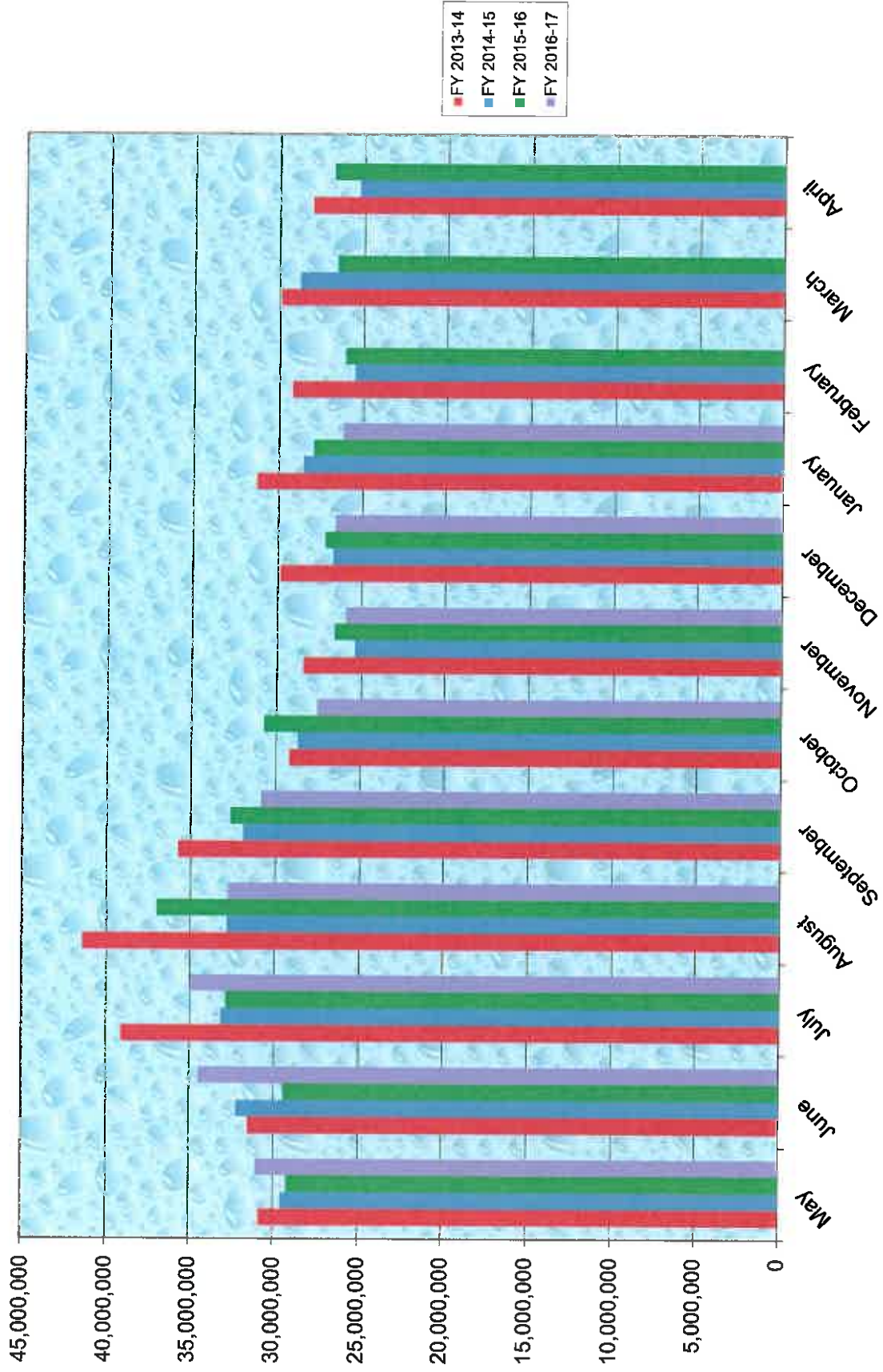
YEAR TO DATE LAST YEAR (gallons):	273,465,000
YEAR TO DATE THIS YEAR (gallons):	270,253,000
DIFFERENCE (gallons):	-3,212,000
PERCENTAGE DIFFERENCE (+/-):	-1.17%
FY16/17 PUMPAGE PROJECTION (gallons):	350,000,000
FY16/17 GALLONS PUMPED TO DATE:	270,253,000
CURRENT PERCENTAGE PUMPED COMPARED TO	77.22%

All table figures
are in millions
of gallons sold
on a monthly
basis per fiscal
year.

Monthly Pumpage Chart



Village of Willowbrook Pumpage Report



CITY OF Willowbrook

MONTHLY DATA REPORT

Tons Collected by Month

	Refuse	Recyclables	Yard Waste
January-17	74.84	48.11	
February-17	66.17	35.18	
March-17			
April-17			
May-17			
June-17			
July-17			
August-17			
September-17			
October-17			
November-17			
December-17			
Totals	141.01	83.29	0.00
Monthly Average	70.51	41.65	#DIV/0!
Weekly Average	16.27	9.61	#DIV/0!

Recycling Detail

Paper	Commingled
Fiber	Containers
33.49	14.62
24.49	10.69
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
57.98	25.31
4.83	2.11
1.11	0.49

Email To:

ghummel@willowbrook.il.us

Percentage of Materials Collected

