THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: November 10, 2020

Subject: Verizon Wireless Master Encroachment Agreement Authorization

Staff Resource(s): Eric Edgerton, Sr. Asst. City Attorney

Action Requested: Adopt a resolution authorizing the City Manager to execute a Master Encroachment Agreement with Verizon Wireless.

Background:
- In 2017 the North Carolina General Assembly passed Session Law 2017-159, which gave cellular network providers a broad right to place cellular network infrastructure within municipal rights of way within the State.
- Under NCGS 160D-936, the City is limited to reviewing a cellular provider's application to install new small cell facilities for compliance with aesthetic standards.
- The City has worked with Verizon Wireless to develop a Master Encroachment Agreement, which sets forth the terms under which Verizon may submit new facility applications to the City for review.
- This agreement will provide for a more streamlined review process between the City and Verizon.

Council Goal(s):
- A thriving local economy.
- A connected and engaged community.

Committee(s):
- None

Pro(s):
- Will streamline the City's review of proposed cellular facilities in its rights of way pursuant to NCGS 160D-936.

Con(s):
- None

Fiscal Impact:
- Under the Master Encroachment Agreement, Verizon will pay an application of one hundred dollars ($100.00) per facility for the first five small wireless facilities addressed in an application, plus fifty dollars ($50.00) for each additional small wireless facility addressed in the application.
- Verizon will further be required to pay the City a technical consulting fee in the amount of five hundred dollars ($500.00) per application.

Suggested Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a Master Encroachment Agreement with Verizon Wireless.

Attachment(s)
- Resolution

RESOLUTION NO. 20-____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER ENCROACHMENT AGREEMENT WITH VERIZON WIRELESS

WHEREAS, pursuant to N.C.G.S. 160D-936, Verizon Wireless and other cellular network providers are permitted to place small cell facilities within the City's rights of way; and

WHEREAS, the City is limited to reviewing proposed new cellular facilities for compliance with the City's aesthetic and technical standards; and

WHEREAS, the City and Verizon wish to enter into a Master Encroachment Agreement that will govern the process by which the City will review new applications submitted by Verizon pursuant to N.C.G.S. 160D-936; and

WHEREAS, the proposed Master Encroachment Agreement does not expand the rights that Verizon has to utilize the City's rights of way, but rather specifies processes that Verizon and the City have agreed to follow;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Master Encroachment Agreement between the City and Verizon Wireless.

Read, approved, and adopted this 10th day of November, 2020.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney