

**EDGEWATER CITY COUNCIL  
BUSINESS MEETING  
MINUTES  
JANUARY 15, 2015**

A business meeting of the Edgewater City Council was held in the City Council Chambers.

**ITEM 1.     CALL TO ORDER**

Mayor McNulty called the meeting to order at [7:00:48 PM](#).

**ITEM 2.     ROLL CALL**

City Clerk Beth A. Hedberg called the roll.

**Present:** Mayor Bonnie McNulty  
Councilwoman Laura Keegan  
Councilman Todd Riddle  
Councilman David Fleck  
Councilwoman Myra A. Keeble  
Councilman Kristian A. Teegardin  
Councilwoman Janet Spangenberg  
Councilman Steve Conklin

**Absent:** None

**Also Present:** City Attorney Thad Renaud  
City Manager HJ Staf  
Police Chief John Hough  
City Planner Patty McCartney

Full and timely notice of the meeting had been given and a quorum was present.

**ITEM 3.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ITEM 4.     APPROVAL OF AGENDA**

Councilman Riddle moved, seconded by Councilman Fleck, to approve the agenda as presented. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 5. CONSENT AGENDA – MINUTES OF DECEMBER 4, 2014**

Councilwoman Keegan moved, seconded by Councilwoman Spangenberg, to approve the consent agenda as presented. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 6. COMMUNICATIONS FROM THE CITY MANAGER, STAFF, AND BOARDS AND COMMISSIONS**

City Manager Staff said that Ken Keeley, Finance Director, was absent from the meeting as his brother had passed away that morning and he had flown back east to be with his family. Finance Director Keeley was going to report on Xpress Bill Pay which had been activated for paying utility bills online. Information concerning Xpress Bill Pay was up on the City's website.

Clerk Hedberg reported that the note cards for the Community Survey were mailed the previous Tuesday to all households with registered electors. A link would be placed on the City website in a couple of weeks to open the survey up to anyone.

City Manager Staff said that Community Services Director Dan Maples was absent from the meeting as he had attended a fuel tank seminar in Ft. Collins. City Manager Staff reported that a letter had been sent to business owners regarding temporary signs late in 2014 based on the ordinances that were amended last spring. The final six (6) permits had expired in December. Code Enforcement Officer Marty Pemkiewicz had spoken to the business owners. City Manager Staff said that he believed that the businesses were all in compliance except one. Now that the City had a full time Code Enforcement Officer, he hoped that the ordinances would be enforced consistently.

Police Chief Hough said that the Police Department had two (2) Corporals that were cross designated as detectives: Shawna Newman and Joe Montoya. Mr. Montoya had since gone to the Jefferson County District Attorney's Office. Chief Hough said that the Corporal position had been instituted formally to insure accountability. Chief Hough introduced the four (4) Corporals: Detective Shawna Newman, Corporal Mike Nesbitt, Corporal Jason Forsythe and Corporal Nathan Geerdes. Chief Hough explained their duties. Chief Hough dismissed the Corporals and they received a round of applause. City Manager Staff noted that no additional police officers had been hired. Through the Corporal program, the City would have more, well trained leadership on the street. The Corporals would attend management and supervisory training in March in order that they could do their jobs effectively.

Chief Hough reported on a bank robbery which had taken place on January 7<sup>th</sup> at the TCF Bank and he provided details. Chief Hough said that he, Sergeant Hamilton and Corporal Geerdes were attending a three (3) day Marijuana Conference in Lone Tree sponsored by the Colorado Association of Chiefs of Police. It had been a very good conference in terms of policy and public safety issues. Chief Hough said that the Police

Department would be expanding their involvement with human trafficking. Officer Challis would be attending Drug Endangered Children (“DEC”) Program training in Wyoming the following month.

No further reports were given.

**ITEM 7. PUBLIC COMMENTS (NON-AGENDA ITEMS)**

Jeanette Papp said that she had been learning about the earth’s resources: air, water and land. Ms. Papp shared recycling information that she had obtained from Waste Management. She cautioned that plastic bags gummed up recycling machinery. Ms. Papp spoke about the recycling rate in Colorado and Edgewater. It was noted that Jonathon Wachtel, from Sustainable Neighborhoods Lakewood, would be presenting before Council on February 5<sup>th</sup>.

Councilman Teegardin thanked Ms. Papp for being on the forefront of sustainable issues.

Joel Newton reported that he had just attended a Jefferson County School Board meeting where the six (6) area principals shared information regarding the Jefferson-Area Innovation Plan. Mr. Newton said that, in his opinion, a lot of community members and teachers were in support of the Plan. Both sides had questions regarding implementation. The general consensus had been that something needed to be done in the six (6) area schools. Six (6) community meetings had been held to get input from parents in Lakewood, Wheat Ridge and Edgewater. The School Board would vote on the Plan in February. The goal was that Jefferson High School would open for grades seven (7) through twelve (12) in the fall.

City Manager Stalf said that he had met with School Board Superintendent Dan McMinimee and had shared concerns including staff expense issues and the mixture of seventh graders with upper classman. If the Plan failed, the State would come into the schools. The transient nature of the students and their families was addressed.

Pauline York said that the Edgewater Optimist Club worked with the City’s schools and would be able to provide some scholarships this year. The Club had recently assisted a student with an eye exam and eye glass purchase.

Liz Somers noted that the Lyons Club also helped provide glasses and scholarships. Ms. Somers said that she had started an Edgewater Twitter account. She invited people to follow her and offered to help with their social media accounts.

**ITEM 8. NATIONAL WESTERN CENTER PROJECT PROCLAMATION – JOINT PROCLAMATION IN SUPPORT OF THE CITY AND COUNTY OF DENVER’S REGIONAL TOURISM ACT APPLICATION FOR THE NATIONAL WESTERN CENTER PROJECT**

Mayor McNulty summarized the proclamation.

**ITEM 9. PUBLIC NOTICE RESOLUTION – DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2015-01, A RESOLUTION DESIGNATING PUBLIC PLACES FOR THE POSTING OF NOTICE OF MEETINGS OF THE EDGEWATER CITY COUNCIL**

Councilwoman Spangenberg moved, seconded by Councilwoman Keeble, to approve Resolution 2015-01, a resolution designating public places for the posting of notice of meetings of the Edgewater City Council as presented. It was noted that this was an annual resolution and that nothing had changed from the prior year. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 10. SPECIAL USE RESOLUTION – PUBLIC HEARING AND DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2015-02, A RESOLUTION (APPROVING, CONDITIONALLY APPROVING, OR DENYING) AN APPLICATION FOR A SPECIAL REVIEW PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITIES AT 2250 EATON STREET, EDGEWATER, COLORADO**

Mayor McNulty reviewed the procedures for the public hearing. Mayor McNulty opened the public hearing at [7:37:52 PM](#). City Planner McCartney reviewed her staff report which is attached hereto and made a part hereof by reference as Exhibit “A”. The cumulative effect of noise decibels was addressed.

Clerk Hedberg swore in Robert Krebs, a representative of the Applicant. Mr. Krebs testified that the proposed modifications to the facility would comply with the Federal Communication Commission’s (“FCC”) guidelines related to radio frequency admissions. The cumulative noise output level of all components would not exceed sixty-five decibels (65 dB). Mr. Krebs confirmed the final number of antennas would be twelve (12).

Clerk Hedberg swore in Loretta Hartpence. Ms. Hartpence said that she lived in Edgewater Plaza. She expressed concerns over the disruption of her the internet and television service since the most recent installation of cell phone towers.

Mr. Krebs explained that the FCC issued licenses to specific parts of the radio spectrum frequencies. There should be zero interference to her internet and television service. He said that he would relay Ms. Hartpence’s concern to the T-Mobile technicians first thing the following morning. The site had been on-air since 2004.

Councilman Fleck said that Ms. Hartpence probably had a router problem. He also noted that a large number of wireless phones on the same frequency could cause cell phone disruption.

No further testimony was offered. Mayor McNulty closed the public hearing at [7:50:10 PM](#).

Councilwoman Keegan moved, seconded by Councilwoman Spangenberg, to approve Resolution 2015-02, a resolution approving an application for a special review permit for wireless telecommunications facilities at 2250 Eaton Street, Edgewater, Colorado as presented. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 11. RIGHT-OF WAY/VACATION PROCESS ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-01, AN ORDINANCE AMENDING CHAPTER 11 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING STREETS, SIDEWALKS AND PUBLIC PROPERTY, BY ADDING A NEW ARTICLE 6 THERETO, TO ESTABLISH STANDARDS AND PROCEDURES FOR THE VACATION BY THE CITY OF PUBLIC RIGHTS-OF-WAY AND EASEMENTS (FIRST READING)**

Councilwoman Keeble moved, seconded by Councilman Fleck, to approve on first reading and order published by law Ordinance 2015-01, an ordinance amending Chapter 11 of the Edgewater Municipal Code, concerning streets, sidewalks and public property, by adding a new Article 6 thereto, to establish standards and procedures for the vacation by the City of public rights-of-way and easements as presented. Councilman Fleck said that no specific need for a vacation had been expressed but that the City needed to have the process on the books. Attorney Renaud advised that there had previously been an abbreviated version of the process in the zoning code but that it had been removed during recent municipal code changes. The version before Council had more substance. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 12. MUNICIPAL COURT THEFT CHARGES ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-02, AN ORDINANCE AMENDING SECTION 10-5-50 OF THE EDGEWATER MUNICIPAL CODE TO INCREASE THE MAXIMUM VALUE OF THE OBJECT OF THEFT FROM ONE THOUSAND DOLLARS (\$1,000) TO TWO THOUSAND DOLLARS (\$2,000) (FIRST READING)**

Councilman Fleck moved, seconded by Councilman Conklin, to approve on first reading and order published by law Ordinance 2015-02, an ordinance amending Section 10-5-50 of the Edgewater Municipal Code to increase the maximum value of the object of

theft from one thousand dollars (\$1,000) to two thousand dollars (\$2,000) as presented. Attorney Renaud advised that there had been a recent change in state statutes that brought the level between the distinction between misdemeanor and felony theft from one thousand dollars (\$1,000) to two thousand dollars (\$2,000). This ordinance was to close the gap in municipal court. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 13. AUDITOR ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2015-03, AN ORDINANCE APPROVING THE AUDITOR SERVICES AGREEMENT WITH HAMBLIN AND ASSOCIATES, LLC (FIRST READING)**

Councilwoman Keegan moved, seconded by Councilman Fleck, to approve on first reading and order published by law Ordinance 2015-03, an ordinance approving the Auditor Services Agreement with Hamblin and Associates, LLC as presented. City Manager Staff said that the Charter required Council to bid out auditor services every three (3) years and that no accounting firm could perform the audit for more than six (6) consecutive years. Swanhorst and Company LLC had done the audit for the previous six (6) years. Councilman Fleck had joined Finance Director Keeley and Financial Consultant Lorraine Trotter had interviewed several qualified individuals. At the end of the day, they had felt fairly confident that any of those who had been short listed could have performed the audit. The interview panel had gone with the lowest proposal. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 14. SUPPLEMENTAL APPROPRIATION ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 19-14, AN ORDINANCE APPROPRIATING FUNDS FROM THE GENERAL FUND FOR PURPOSES OF ADJUSTING THE 2014 GENERAL FUND BUDGET AND ADOPTING A REVISED QUARTERLY BUDGET (SECOND AND FINAL READING)**

Councilwoman Keeble moved, seconded by Councilman Riddle, to approve on second and final reading and order published by law Ordinance 19-14, an ordinance appropriating funds from the General Fund for purposes of adjusting the 2014 General Fund budget and adopting a revised quarterly budget as presented. It was noted that no changes had been made to the ordinance after first reading. City Manager Staff said that he had not received the final sales tax numbers from the month of December. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 15. CRCC ORDINANCE – DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 20-14, AN ORDINANCE AMENDING THE EDGEWATER MUNICIPAL CODE BY REPEALING ARTICLE 16 OF CHAPTER 2 OF THE CODE, CONCERNING THE CHARTER REVIEW AND COMPLIANCE COMMISSION; AND BY AMENDING ARTICLE 2 OF CHAPTER 10 OF THE CODE, CONCERNING GENERAL OFFENSES RELATED TO GOVERNMENT AND PUBLIC OFFICERS, TO ADD A NEW SECTION 10-2-50, DEFINING “WILLFUL” VIOLATION OF THE CITY CHARTER AND SETTING PENALTIES UPON CONVICTION FOR SUCH WILLFUL VIOLATION (SECOND AND FINAL READING)**

Councilman Riddle moved, seconded by Councilwoman Keegan, to approve on second and final reading and order published by law Ordinance 20-14, an ordinance amending the Edgewater Municipal Code by repealing Article 16 of Chapter 2 of the Code, concerning the Charter Review and Compliance Commission; and by amending Article 2 of Chapter 10 of the Code, concerning general offenses related to government and public officers, to add a new Section 10-2-50, defining “willful” violation of the City Charter and setting penalties upon conviction for such willful violation as presented. Councilman Riddle said that he had received an email regarding the constitutionality of the ordinance and he asked Attorney Renaud to speak to that.

Attorney Renaud said that he had received a copy of the email from Mrs. June Moreno and had reviewed it. Mrs. Moreno had provided the following quote from the Colorado Constitution, Article XX, Section 6(h). “Any act in violation of the provisions of such charter or of any ordinance thereunder shall be criminal and punishable as such when so provided by any statute now or hereafter in force.” It was his opinion that the constitutional provision cited had no bearing upon the ordinance in front of Council or the definition of “willful violation”. He was unaware of any state statute that would make a violation of a charter or municipal ordinance a state criminal offense. The City Council did not possess the power to rewrite the Constitution to suit its own purposes under the powers granted by Home Rule Authority.

Councilwoman Spangenberg said that she believed the sentence quoted had been unintentionally taken out of context.

Mayor McNulty and Councilman Conklin thanked Mrs. Moreno for her question.

**VOTE** was called for. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 16. GENERAL BUSINESS**

There was no general business.

**ITEM 17. PUBLIC COMMENTS**

Francis Sgarletti inquired as to whether or not the City would be at risk for snow sledding injuries. She had heard recent stories about this.

Attorney Renaud advised that the City had general liability insurance and said that the City would be immune from liability, with certain exceptions, under the Governmental Immunity Act.

**ITEM 18. MAYOR AND COUNCIL COMMENTS**

Councilman Fleck wished everyone a happy New Year and said it was nice to be back and see everyone again.

Councilman Teegardin echoed Councilman Fleck's comments. He said that it had been a hectic holiday season as it always was with mental health. Councilman Teegardin thanked Joel Newton for all of his work with the schools. He thanked Chief Hough for being on top of retail marijuana. He believed without all of his diligence and staff training it would not be as successful. Colin Anonsen from Ed Perlmutter's Office would be looking into a close circuit intranet for The Plaza.

Councilwoman Keegan said she had driven around the City the preceding day and the City looked really nice with the removal of the temporary signage. She had thanked Marty Pemkiewicz, the Code Enforcement Officer, for his efforts. Councilwoman Keegan said that she had attended a Jefferson County School Board meeting the previous week. There was a lot of representation by the School Board, administration and teachers. She had mixed feelings on the Jefferson-Area Innovation Plan. Participants had been asked to complete a questionnaire regarding the process. Councilwoman Keegan said that people from Europe had spoken about their school system. In many countries, students went from kindergarten all of the way through high school in the same school. She was concerned that this process was being rushed and of the effects of adding an extra two hundred (200) lower proficient students from troubled schools in the area. She thought the meeting had been well run. She hoped that the School Board listened to all of the parents.

Councilwoman Keeble wished everyone a happy New Year. She congratulated City Manager Stalf for getting the online bill pay going. Councilwoman Keeble noted that the community Healthy Eating and Active Living (HEAL) meeting had been launched. The meeting had been attended by stay-at-homes moms and Edgewater Senior Connections among others. A different senior group wanted to work with Edgewater Elementary School in implementation of the CATCH program. CATCH was an evidence based nutrition education program that had shown good results all over the country. The CATCH program would be implemented in Lumberg Elementary in the future.

Councilwoman Spangenberg wished everyone a happy New Year. She thanked the citizens for attending the meeting.

Councilman Riddle said that the Council retreat that had been held in December had been very productive. The Council was a diverse group and they seemed to be getting the job done. Council would be accountable for their goals. He welcomed members of Jeffco Leadership that were present.

Councilman Conklin wished everyone a happy New Year. He thanked June and Beverly for being a part of the process. Councilman Conklin thanked Councilman Riddle for calling for a brief explanation of the theft charges ordinance. Council knew or thought they knew what was going on as they had previously seen legislation or discussed it in a workshop. It was important to provide information to the public as it was easy to get caught up on things. Councilman Conklin encouraged this practice. Councilman Conklin said that he had received a phone solicitation call from a firefighters' protection association. A bit later in the day he received a call from the exact same solicitor and this time they were raising money for a police officers' protection association. He had spoken to members of the Wheat Ridge Fire Protection District and was told that the groups that assisted them would not use phone solicitations if they were looking for money. Councilman Conklin cautioned that solicitors were not necessarily what they claimed to be. Councilman Conklin said that he'd had the honor to attend a funeral earlier in the day for one of the broadcasters that he had worked with in his world of preserving the history of radio and television. Claud Pettit was on KLAQ back in the day and owned several stations in the state. It had been a wonderful service. He mentioned Claud Pettit as he was a former Edgewater resident.

Mayor McNulty echoed comments with respect to New Year's wishes and hard work expressed earlier. Mayor McNulty said that she had received a phone call recently that said her daughter would be arrested. There was a warrant out as she had not paid her IRS taxes. It was obviously a con. The IRS did not call tax payers, they sent letters. Colin Anonsen from Ed Perlmutter's Office had been attending the Mayor coffees on Wednesday. He had spoken about being at The Plaza and meeting with City Council. The Plaza was under Congressman Perlmutter's jurisdiction not the City's. Mayor McNulty said that she had received a notice regarding the Colfax Marathon and she wondered if anyone wanted to sign up for it. The event earned a lot of money that went to charities. Mayor McNulty thanked the Police Officers for attending the meeting.

**ITEM 19. BUSINESS MEETING ADJOURNMENT**

There being no further business, Mayor McNulty adjourned the meeting at [8:21:30 PM](#).

Submitted by:

*/s/ Beth A. Hedberg, MMC*  
City Clerk

EXHIBIT "A"

**STAFF REPORT**

To: Mayor McNulty and members of the City Council  
From: Patty McCartney, City Planner  
Cc: Carmen Beery, City Attorney  
Beth Hedberg, City Clerk  
Dan Maples, Community Services Director  
Public Hearing Date and Location: January 15, 2015, 7:00 p.m., Council Chambers  
2401 Sheridan Blvd, Edgewater, Colorado  
Applicant/Representative: T-Mobile  
2325 Delgany Street,  
Denver, Colorado 80216/  
Brandi McKenzie, Centerline Solutions  
Owner: Brothers Redevelopment, Inc.  
Subject: Special Review  
Location of Request: 2250 Eaton Street, Edgewater Plaza  
Edgewater, Colorado

**EXECUTIVE SUMMARY:**

The applicant, Brandi McKenzie of Centerline Solutions for T-Mobile, has submitted an application for a Special Review to allow the technology equipment upgrade and antennas to the existing T-Mobile Facility located on the roof of the Edgewater Plaza apartment building at 2250 Eaton Street. The proposed equipment upgrade includes: the replacement of mounting apparatus; replacement of one antenna; installation of two new antennas; installation of three remote radio units (RRU) and installation of new equipment. The existing rooftop T-Mobile facility currently has ten antennas and the proposed project would result in a total of twelve antennas for this facility.



The proposed telephone exchange facility where no public business office and no repair or storage facilities are maintained is permitted as an accessory use in the R-4 zone district, and require investigation by the Planning and Zoning Commission and approval by City Council.

**LOCATION:**

The property is located at 2250 Eaton Street, Edgewater Colorado 80214 in the R-4 (Residential, High-Rise Apartments) Zone District.

**PUBLIC NOTICING AND COMMENT:**

The public hearing request for approval of the Special Review Permit was publicly noticed in accordance with the public notification requirement outlined in the *City of Edgewater Municipal Code*.

Ms. Beverly Hillstrom provided written comments for the Planning and Zoning Commission public hearing regarding noise, interference and public health concerns of the proposed project.

**PLANNING AND ZONING COMMISSION REVIEW**

**Eligibility:** Per Section 16-10-10(7), a Telephone Exchange Facility use shall only be granted through the Special Review process. This review requires an investigation by the Planning and Zoning Commission via a public hearing. Upon completion of the investigation, the Commission shall provide its recommendations in writing to City Council for a final decision.

The Special Review application was reviewed by the Planning and Zoning Commission at the December 10, 2014 public hearing where the Commission passed Resolution No. PC 06-14 with a recommendation to City Council of approval without conditions.

**SPECIAL REVIEW CRITERIA:** Pursuant to Section 16-10-10(7), the Edgewater Municipal Code establishes review criteria for a Special Review in Sections 16-10-10(5) b, e, j, k, l, m and n as outlined below.

1. The area of the special uses in relationship to the total area of the principal use (Sec. 16-10-10(5)(b)).

**Staff Comment:** The proposed upgrades are to an existing wireless facility currently located on the roof of the apartment building, and will not exceed the current leased area of 400 square feet. The total area of the principal building is 68,791 square feet (the building footprint is 9,837 square feet). Thus, the leased area represents just over 4% of the roof area, and less than 1% of the total building area.

2. Noise (Sec. 16-10-10(5)(e)).

**Staff Comment:** The applicant has stated that the proposed new equipment has a noise level of 65 decibels. This is comparable to an HVAC unit, and will not be heard from inside the building or at ground level. Noise during installation of the upgrades will also be minimal, confined to day time hours, and in compliance with Chapter 10 Article 14 (Noise) of the Edgewater Municipal Code.

3. Compliance with all applicable provisions of this Code (Sec. 16-11-10(5)(j)).

**Staff Comment:** Telephone exchange facilities, where no public business office and no repair or storage facilities are maintained are a permitted accessory use in the R-4 Zone District per Section 16-10-10 (7) of the Edgewater Municipal Code. The existing T-Mobile facility antennas and equipment extends approximately thirteen (13) feet above the roof line of the existing building (51'8" height) and the proposed facility equipment will increase the height of the existing facility two (2) feet. The proposed project complies with the use, no maximum height and bulk plane requirements of the R-4 District.

4. Evaluation, comments and recommendations of the Mayor, City departments and staff members (Sec. 16-10-10(5)(k)).

**Staff Comment:** City Staff evaluated the proposal through the internal review process and had no comments, or outstanding concerns or revisions.

5. Compatibility with the uses of the principal building or improvements, and the property uses within the neighborhood within a reasonable distance from the subject property (Sec. 16-10-10(5)(l)).

**Staff Comment:** The proposed upgrades to the existing T-Mobile roof top facility is compatible with the residential use of the principal building. The existing T-Mobile facility operates on 400 square feet of leased roof space, representing approximately 4% of the total roof area. In addition, the new facility antennae will extend an additional two (2) feet above the existing T-Mobile facility equipment (current facility extends approximately thirteen (13) feet above the existing building roof line), and thus will not be visible from street level on the site. Neither the facility nor the changes will impact the activities of building residents, property management, or neighbors.

6. Length of time of the proposed uses. (Sec. 16-10-10(5)(m)).

**Staff Comment:** The current lease agreement for the T-Mobile facility expires in 2019. However, there is no expiration date for the proposed use.

7. Any other matters deemed necessary by the City Council related to Section 16-1-30, which states the purpose of the City's zoning regulations as "...promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City by lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing light and air, avoiding undue congestion of population, facilitating the adequate provision of transportation, water, sewerage, schools and other public requirements, and by other means in accordance with the Comprehensive Plan." (Sec. 16-10-10(5)(n)).

**Staff Comment:** The Special Review application proposes upgrading equipment for an existing approved wireless facility. The use is not in conflict with the purpose of the City of Edgewater Municipal Code as demonstrated through analysis of the criteria above.

#### **CITY COUNCIL ACTION:**

After the conclusion of the public hearing, the City Council may approve or conditionally approve the Special Review application finding it substantially meets the criteria listed above or deny the application finding it does not substantially meet the standards listed above.