

**Telecommunications Commission Meeting Minutes
Sept. 2, 2009 Meeting**

Members Present

Cory Scott, chair
Julianne Nery
Jim Downing

Others present

Trustee John Hedges, Village Board liaison
David Powers, Village staff liaison

Chairman Cory Scott called the meeting to order at approximately 7 p.m.

Chairman Scott asked Commission members to review the minutes from the Aug. 4, 2009 meeting. He then called for a motion to approve the minutes with a minor change, noting that the adjourn time was incorrect. Commissioner Julianne Nery so moved. Commissioner Jim Downing seconded the motion.

The motion to approve the minutes was approved 3 – 0.

Chairman Scott directed the attention of the commission to old business, specifically the issue of restarting franchise renewal negotiations with Comcast.

Liaison David Powers told the commission he had spoken with Village Attorney Ray Heise prior to the commission meeting about immediate next steps. Liaison Powers said Attorney Heise had stated that the first step in the process was to get specific board direction. Attorney Heise asked Liaison Powers to relay a request that the commission consider going before the Village Board on either Oct. 12 or 26 to seek their approval for pursuing a formal franchise renewal process with Comcast. Attorney Heise said he would hope to have outside legal counsel – Brian Grogan of Moss & Barnett – appear before the board with the Telecommunications Chair and other commission members. Attorney Heise said he would ask Attorney Grogan to estimate his costs for the legal work that would be required to support the process, noting that the involvement of the commission could help reduce the time, and thus the costs, incurred by Attorney Grogan.

Chairman Scott asked Liaison Powers to let Attorney Heise know that either proposed date – Oct. 12 or 26 – would be acceptable. He also asked that Attorney Heise attend the Oct. 7 Telecommunications Commission meeting to discuss the particulars of the discussion with the Village Board.

In a matter related to the services of Attorney Grogan, Chairman Scott asked Liaison Powers about the status of a letter to Comcast about the poor quality of VOP-TV. Liaison Powers said the letter had not been drafted. It had been tabled when questions arose about who had the authority to authorize the services of outside legal counsel. Chairman Scott noted that the need for a letter should be considered within the context of how plans proceed to restart negotiations on a franchise renewal.

Chairman Scott directed the attention of the commission to information in the meeting agenda packet related to payments to the Village by AT&T. He asked Liaison Powers to investigate the availability of similar information from Comcast.

Chairman Scott told the Commission that, to the best of his knowledge, Attorney Heise had not yet begun work on the aboveground facility ordinance recommended by the commission and endorsed by the Village Board. He acknowledged that Attorney Heise had said due to his current workload, work on the ordinance might not proceed until late this year.

In a related matter, Chairman Scott provided an update on his efforts to enlist the Transportation Commission's support in dealing with several AT&T video-ready access devices (VRADs) that could pose sight-line issues for motorists and pedestrians. He said that the Transportation Commission chair had said nothing could be done since all of the installations had been approved and properly permitted by the Village's Engineering Division. However, Chairman Scott said the Transportation Commission chair had indicated a willingness to be involved in providing input into the specifics of the aboveground facility ordinance that was to be drafted.

Turning to new business, Chairman Scott outlined the request from the Village Board for the commission to investigate and provide guidance on the feasibility of leasing public property to wireless communications companies for their equipment. He asked for Trustee Hedges' perspective on what the board was considering.

Trustee Hedges explained that the board direction to the commission grew from a request for a zoning variance by a vendor to place its equipment on private property. Since the companies pay rent to the property owners, the board had wondered if such sitings on public property could produce revenues. Board members wanted the commission to investigate if other governmental entities are doing it, why the Village should or should not do it, and if there is revenue to be generated.

Chairman Scott noted that the variance request that had prompted the board task for the commission was an upgrade and not a new installation. He said the cell tower location debate essentially is over, since most of the equipment necessary to provide traditional cell service has been installed. Any future installations likely will be just to fill in service gaps, which will drive site location selection. He said that should the Village market public properties to telecommunications providers as potential equipment sites, it would put the public sector in competition with the private sector, which likely has earned significant income from leasing space. Should a provider approach the Village about using public property, however, the idea should be investigated, he said, but the Commission recommends that the Village focus on encouraging deployment of technology that serves the entire community, with no gaps in service. And if leasing public property furthers this goal, then it should be an option, with any revenue realized considered an added benefit.

Trustee Hedges said a recap of the commission's findings on the matter would benefit the Village Board.

Chairman Scott said a memo would be prepared detailing the commission's recommendations.

Attention turned to cable complaints. No complaints were filed with the Village in July.

Chairman Scott opened the meeting to public comment. No comment was offered.

Chairman Scott called for a motion to adjourn. Commissioner Nery made the motion. Commissioner Downing seconded. The motion passed 3 – 0.

Meeting adjourned at approximately 7:45 p.m.

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