



Office of the Town Manager

Tommy Cureton

# STAFF REPORT

## Warrenton Town Council

Carter Nevill, Mayor

Heather Sutphin, Ward 1

William Semple, Ward 2

Brett Hamby, Ward 3

James Hartman, Ward 4 Vice Mayor

Jay Heroux, Ward 5

Paul Mooney, At Large

David McGuire, At Large

<b>Council Meeting Date:</b>	March 14, 2023
<b>Agenda Title:</b>	Roadway Maintenance
<b>Requested Action:</b>	Public Hearing for DISH Agreement
<b>Department / Agency Lead:</b>	Public Works and Utilities and Town Attorney
<b>Staff Lead:</b>	Frank Cassidy

## EXECUTIVE SUMMARY

The Town has provided carriers use of the water tower on Fourth St. via an agreement. DISH is requesting approval of their agreement for space on the Town's water tower. This equipment will be replacing the Sprint equipment which is being removed.

Additionally, the water tower requires some structural upgrades. Part of this agreement requires DISH to provide a portion of funds to pay for these upgrades. The amount in the DISH agreement is in line with the other agreements currently in place for use of the tower.

This is in line with the Plan 2040 as follows:

CF-6: Identify telecommunications facility locations to ensure a broad range of communications services that also represent character and viewsheds of the Town.

## BACKGROUND

The Town water tower on Fourth St. has been used for equipment of utility carriers for years. Spring is in the process of removing their equipment which will provide space for a new carrier. DISH has requested the Town enter into an agreement for their installation and use of the water tower. The process is required in State and Town Code:

Per [Va. Code § 15.2-2101](#):

§ 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised.

A. Before granting any franchise, privilege, lease or right of any kind to use any public property described in § 15.2-2100 or easement of any description, for a term in excess of five years, except in the case of and for a trunk railway, the city or town proposing to make the grant shall advertise a descriptive notice of the ordinance proposing to make the grant once a week for two successive weeks in a newspaper having general circulation in the city or town. The descriptive notice of the ordinance may also be advertised as many times in such other newspaper or newspapers, published

outside the city, town or Commonwealth, as the council may determine. The advertisement shall include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the city or town council.

B. The advertisement shall invite bids for the franchise, privilege, lease or right proposed to be granted in the ordinance. The bids shall be in writing and delivered upon the day and hour named in the advertisement and shall be opened in public session and marked for identification by the person designated in the advertisement to receive such bids. The cost of the required advertisement shall be paid by the city or town which shall be reimbursed by the person to whom the grant is made. The city or town shall have the right to reject any and all bids and shall reserve this right in the advertisement.

DISH has been working with staff and the Town Attorney to provide an agreement. The agreement is in line with other existing agreements in place for use of the water tower. A copy is attached.

Per Ordinance, a public hearing must be held to discuss and authorize the agreement.

#### **STAFF RECOMMENDATION**

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Staff recommends holding the public hearing and receiving bids. If no other bids are received, the Council should award the franchise. If other bids are received, Staff recommends that Council refer them to the Town Manager for evaluation.

#### **Service Level/Policy Impact**

This agreement is in line with Plan 2040: staff will monitor the conditions of the agreement.

#### **Fiscal Impact**

As per the terms of the agreement.

#### **Legal Impact**

The attached agreement has been reviewed and is presented; the process for advertising and conducting the Public Hearing is in line with Town Attorney's recommendations and requirements in Town and State Code.

#### **ATTACHMENTS**

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1. Copy of the proposed agreement.