

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA**  
**NORTH MYRTLE BEACH CITY HALL**  
**CITY COUNCIL WORKSHOP**  
**Wednesday, February 17, 2021**

**Minutes**

**1. ROLL CALL: 1:32 PM**

Mayor Hatley called the Workshop to order and asked the Acting Clerk to call the roll.

Marilyn Hatley

JO Baldwin

Fred Coyne

Nicole Fontana

Hank Thomas, Absent

Terry White

**2. DISCUSSION:**

The City Council, Staff and representatives from Gunnerson Consulting & Communication Site Services discussed the adoption of Small Cell Code and Wireless Telecommunication Facilities Code. Chris Noury, City Attorney, introduced Christine Gillan, agent from Gunnerson Consulting, who lead the presentation. Mayor Hatley inquired who Ms. Gillan represented. Ms. Gillan stated her firm represented the City of North Myrtle Beach, which hired their firm in 2017, because there was not a formal process in place for the review or implementation of small cells within the City. Ms. Gillan gave a brief overview of their consulting firm, which began in 2011 by Brian Gunnerson, and the qualifications of their representatives. She stated their firm was not a vendor of equipment or services and did not represent wireless companies, nor sell their equipment. She stated they are consultants working exclusively for landlords and there would never be a conflict of interest.

Ms. Gillan first explained macro sites and showed examples of existing macro cell towers around the area. Macro sites come in several different forms and shapes, for example the site located on top of the City of North Myrtle Beach's water tower. A small cell structure is exactly like a macro cell tower, but on a smaller scale. The Federal Government defines a small cell or small cell wireless facility as a structure on which antenna facilities are mounted, but the structure is less than 50 feet in height, no more than 10% taller than other surrounding structures or cannot extend to a height of more than 10% above its preexisting height, as a result of the collocation of new antenna facilities. Each antenna, excluding associated antenna equipment, is no more than three cubic feet in volume. All antenna equipment associated with the facility, excluding antennas, are cumulatively no more than 28 cubic feet in volume. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards. The wireless carriers would place the small cell on existing structures, such as a utility pole or the side of a building. Ms. Gillan showed examples of various small cell sites.

Ms. Gillan gave an overview of how a cell phone tower works. Waves are transmitted on a low frequency band that travels long distances. Typically, they are built where there is a high population density. The range or coverage of each tower creates a network. Ms. Gillan stated that building these large towers was not always popular or desired in some areas. Small cells would be smaller and more discreet, especially in urban areas. Small cells increase network coverage into smaller sections or nodes and can be put on existing infrastructure. Ms. Gillan explained the small cells were coming to North Myrtle Beach because the technology required it to keep up with consumer demand and the law required it so there would be no choice. The Telecommunications Act of 1996 stated, "Governments may not place legal requirements on wireless applications that prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunication services." Even though

small cells have been around since 1983, it was only recently recognized in 2018 that there was a rapidly increasing demand for wireless services. Wireless providers now have an absolute right to place small cells in public rights of way, subject to certain, limited rights granted to local governments. The Small Cell Ordinance would help to control the coming and implementation of small cells. Local ordinances cannot contradict state law, which was passed last September. There are several South Carolina cities that have passed a small cell ordinance, such as Charleston, North Charleston, and Goose Creek.

Ms. Gillan explained the local government does have the limited rights for design review, density or location standards, and recoupment of costs for application review and rights-of-way management. The local government cannot impede the wireless companies from coming. Small cells use 5G Technology, which represents the latest technology of lightning fast connections and 4 times greater capacity. Citizens and visitors would experience more reliable cell phone service, faster data uploads, smart appliance interfacing, and smart city functionality. This would allow happier citizens and visitors.

Some of the challenges the City would face would be the deployment of small cells and enforcement of design requirements. Ms. Gillan showed several examples of small cell equipment sites and how they worked. Ms. Gillan explained for the enforcement of design requirements, the installation dimensions could not exceed the dimensions included in the FCC's definition of small cell and there was a preferred hierarchy of installations to avoid street clutter, as well as spacing requirements. The Small Cell Ordinance would help to make sure wireless companies used existing structures. When technically feasible, there would be stealth requirements to blend equipment into the structure and the pole into the street landscape. Again, Ms. Gillan showed several examples of good designs versus unfavorable ones that communities had to live with because they were not prepared with appropriate design standards. Wireless companies would also have access to a design catalog.

Another challenge the City would face would be recouping costs to administer and oversee according to SC §58-11-850(D)(3) of the South Carolina Small Wireless Facilities Deployment Act. Ms. Gillan stated these costs would be difficult to quantify, because the City did not know how many small cells would be coming nor how much time it would take to oversee the applications. This would present a challenge. The City would be allowed to charge an application fee as long as the fee was reasonable, nondiscriminatory, and recovered no more than the direct costs for processing the application. Ms. Gillan stated it was important to note, this would only be for public rights-of-way. On private property, fair market value could be charged. Mayor Hatley asked Ms. Gillan to clarify what could be charged on public versus private rights-of-way and collocation fees.

Ms. Gillan stated another challenge for the City would be the densification of networks. This was an increase in the density or concentration of small cell networks. The FCC in 2018 stated, "It was estimated that wireless providers will invest \$275 billion over the next decade in next-generation wireless infrastructure deployments, which should generate an expected three million new jobs and boost our nation's GDP by half a trillion dollars and over the next 3-4 years, 300,000 small cells will need to be deployed." Ms. Gillan introduced David Rutter, Senior Consultant, who joined via conference call from Arizona. Mr. Rutter explained the densification was coming, because it was a data capacity issue.

Councilwoman Fontana inquired if there was a limit of how many small cells would be coming. Mr. Rutter explained it was limited to the bandwidth that had been allocated by the FCC. There had been a reallocation process over the years of unused frequency and auctioning it off. Mayor Hatley inquired if there would be guidelines that would make the wireless carrier put up a tower that was acceptable. Ms. Gillan stated there would be guidelines, but if it was not technically feasible, they did not have to follow the guidelines. The City cannot chose the location, but can adjust the location up to 250 feet. There would be some exceptions, which would be outlined within the ordinance. Mr. Rutter stated the design should be a cooperative effort, technically and economically feasible for both parties. Mayor Hatley

asked if the City could legally make them go on existing poles. Ms. Gillan stated the City could not prohibit anything, however, the hierarchy guidelines suggested for them to collocate first. Good installations happen when cities get ahead of the game and make ordinances and guidelines before the wireless carriers come. She reminded the Council that typically only one pole could handle one carrier and there were four carriers vying for locations on the same street corner and they must all be accommodated. Ms. Gillan showed current pictures of places around North Myrtle Beach where small cells could go.

Councilwoman Fontana inquired what the square footage of a small cell was. Mr. Rutter stated it depended on how many antennae were allowed, but typically 6 cubic feet. If equipment was included it would be 20 cubic feet, but most of the installed ones were less than this. Jim Wood, Director of Planning & Development, asked what coverage the carrier would achieve with a small cell. Mr. Rutter stated what you can see from the small cell site would be what it would cover. Councilman Coyne asked if this was an enhancement or a supplement to the macro towers. Mr. Rutter stated it was both, but mostly to supplement. It was not a replacement of the macro towers, but an enhancement of the network.

Ms. Gillan stated there were financial implications with regard to small cells. The City may not profit and only recover their actual costs. The small cell law applied only to public right-of-way installations. On private property, the costs could be negotiated. Councilman Coyne inquired what the City controls were on private property. Director Wood stated it would be through land development regulations and applications, zoning applications, and public right-of-way applications. Mayor Hatley thanked them for helping the City to prepare for the small cells to come to North Myrtle Beach.

Mayor Hatley opened the floor for public comment. No one from the public had a question or comment.

Mayor Hatley thanked everyone for attending and adjourned the workshop at 2:53 PM.

Respectfully submitted,

Allison K. Galbreath, Clerk to Council

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 1<sup>st</sup> day of March 2021.