

## City Council – Action Request Form

**Date:** January 11, 2022

**To:** Mayor, Mayor Pro Tempore, and Members of the City Council

**From:** Aaron King, Assistant City Manager  
Robert Prestwood, City Engineer

**Council Action Requested:**

Resolution Granting a Master Encroachment Agreement to Crown Castle Fiber LLC for Small Cell Wireless Facilities

**Strategic Focus Area:** Quality Transportation

**Strategic Objective:** No

**Strategic Plan Action Item:** No

**Key Work Item:** No



**Summary of Information:**

The City of Winston-Salem has received a request from Crown Castle Fiber LLC to grant a master encroachment agreement. This master encroachment agreement would allow Crown Castle Fiber LLC to encroach upon the public right-of-way of city-maintained streets with small cell wireless facilities (nodes). These facilities consist of a utility meter, switching gear, remote radio, cabling, and with an antenna that is affixed to new or existing utility poles. The purpose of this infrastructure is to provide a wireless high-speed fiber optic network for users in the nearby area.

The request to install small cell wireless facilities (nodes) are being driven by the expansion of 5G networks. 5G technology provides the capacity to support larger numbers of voice and data consumers, and will provide our community with affordable and reliable high-speed internet service. 5G technologies use a higher frequency than 4G, which lends to the faster speeds and lower latency; however, 5G frequencies do not travel as far as the current 4G frequencies, requiring new telecommunications infrastructure. This will include the deployment of a grid of new small cell towers or co-location on existing poles in the public right-of-way. When feasible, Crown Castle will co-locate on existing Duke Energy or other telecommunication poles. Crown Castle Fiber LLC has indicated that their design plan over the next 12-24 months includes the

**Committee Action:**

<b>Committee</b>	<u>Public Works 1/11/22</u>	<b>Action</b>	<u>Approval</u>
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<b>For</b>	<u>Unanimous</u>	<b>Against</b>	<u></u>
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**Remarks:**

installation of approximately 100 new small cell nodes within the City Limits. NCGS 160A-400.50-56 regulates “Wireless Telecommunications Facilities” within the public right-of-way or on private property. Once a permit application has been submitted, the City has 30 days to notify the applicant of any deficiencies in the application which, if cured, would make the application complete. The City has 45 days to approve or deny a complete application, unless a longer time frame has been mutually agreed upon between the applicant and the City. If the City fails to act within 45 days or the mutually agreed upon time frame, the application shall be deemed approved.

Each new facility would still require review by city staff and approval by the assistant city manager/public works. Section 74-103 of the City Code authorizes the assistant city manager or his designee to issue encroachment permits, stating “The assistant city manager/public works or his designee may issue encroachment permits subject to the requirements or conditions stated in subsections (b) and (c) of this section and upon his determination that such encroachment does not or would not: (1) Be detrimental to the public health or safety; or (2) Impair the free flow of pedestrian or vehicular traffic.” Having a master encroachment agreement would speed up the approval process by eliminating the preparation, review, and execution of multiple agreements; and prevent applications from being approved by default.

Staff has not identified a basis for denial and therefore recommends approval of this request.