

TOWN OF DAVIE

ADMINISTRATION DEPARTMENT MEMORANDUM

To: Thomas J. Willi, Town Administrator

From: Chris Kovanes, Programs Administrator

Re: Metro PCS California/Florida, Inc. Correspondence

Date: August 29, 2001

Metro PCS is requesting that it be permitted to co-locate its equipment on an existing wireless telecommunications tower located at 15400 Slydemill and SW 31st Street, Davie, Florida, which tower is presently owned by Crown Castle Communications. Metro PCS points out that the Ordinance adopted by the Town Council on July 3, 2001 declaring a six month moratorium on the acceptance of applications for wireless telecommunications towers and antennas, includes two exemptions to the Ordinance. The relevant exemption reads "Any complete application for a tower which was on file prior to the first reading of the Ordinance and which is subsequently determined by the Town Council to meet all applicable requirements on the Land Development Code."

Metro PCS asks in its letter to the Town Attorney, "If the Town of Davie has no objection with co-location applications to continue the process, why could they not consider two more?"

In May 2001, Metro PCS applied for permission to co-locate its equipment on an existing tower located at Pine Island Park and owned by American Tower. Metro PCS at that time, entered into a contract with the Town of Davie whereby the Town of Davie granted it permission to co-locate on the Pine Island Tower and whereby the Town of Davie was provided 50% of all co-locating revenues, which amounted to \$1,800.00 per month. Acceptance of this agreement was accepted by the Town Council at the May 16, 2001 Council Meeting. As Metro PCS not only filed an application requesting that it be permitted to co-locate at the Pine Island Park facility, but in fact entered into a contract prior to the passage of the moratorium, clearly, they should still be permitted to co-locate their equipment upon the telecommunications tower owned by American Tower at Pine Island Park. Here they clearly meet the provisions of exemption 1 contained in Section 2 of the Moratorium Ordinance.

As to their request that they now be permitted to co-locate their equipment upon two other towers which they indicate are owned by Crown Castle Communications and located at 154th Avenue and 31st Street, this request would not fall under either exception set forth in the Ordinance. At the time of its adoption in July, 2001, the Town Council asked for public input before adopting the Ordinance and at that time, did not indicate to staff or the public any exception to the six month moratorium for the co-location of equipment on existing towers where no prior application existed. If the Town Council now wishes to initiate such an exception, it could amend the existing Ordinance through proper procedure which would be within its authority.