



Resort Advisory Commission
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RESORT ADVISORY COMMISSION MINUTES

DATE: July 11, 2019

TIME: 3:00 pm

PLACE: Virginia Beach Convention Center, 2nd Floor, Rm 4AB

COMMISSION MEMBERS PRESENT

BJ Baumann
Randy Thompson
Billy Almond
Bobby Melatti
Bryan Cuffee
Craig Roback
John Hawa
Keith Ireland
Kristina Chastain
Laura Habr
Michael Levinson
Phil Boyer
Preston Midgett
Tyler Brown

COMMISSION MEMBERS ABSENT

Gerrie West
Michael Cloud-Butler
Ron Villanueva
Russell Lyons
Sam Reid
Sylvia Strickland

OTHERS PRESENT

Nancy Creech, VBEU
Melanie Locher, VBEU
Debra Bryan, Associate City Attorney
Guy Tower, Council
Rosemary Wilson, Council
Kathy Warren, SGA
Emily Archer, SGA
Stacey Parker, The Virginian-Pilot
Mike Eason, CVB / Resort Mgmt.
Robin Hart, CVB/Recorder

BJ Baumann called the meeting to order at 3:00pm. **Motion carried to approve the June 6, 2019 RAC minutes as written.**

Neptune Festival Presentation – Nancy Creech, Melanie Locher

Nancy Creech reviewed the mission of the Neptune Festival. She provided a breakdown of taxes from the event and where they were applied, as well as room nights and attendees. They spend \$1M each year to produce the event and they raise the rest. Sponsorships go toward specific sections of the event.

Nancy reviewed the sandsculpting competition and how the city assist with feeding and housing the artists. The sentiment is that the competition needs to remain on the beach.

Beyond the Boardwalk

Melanie Locher reviewed the demographic at the primary Neptune Festival, but also reviewed the

festivals that occur before and after the main event. They try to tie the events to charities and when they cannot do so, allow charities to participate. For the future they want to add fitness park events and move north, to reach businesses at the North End. They want to add a #VBStrong component, as well as a city employee appreciation day component.

QUESTIONS / COMMENTS

Melanie will send Laura Habr a packet of the financials for the event. The Commission received outlined reports.

BJ Baumann complimented on how the Neptune Festival had turned into such a recognized event, yet kept its local feel. Nancy replied that they have 800K active volunteers, and many are in their third generation. The Seniors Event still sells out.

5G Wireless Communication Update – Debra Bryan

Debra Bryan provided an overview of the legal landscape over the past few years pertaining to the wireless communication, orientation to the terminology and went over a list of specific questions from city staff that she was asked to specifically address.

Existing macro power (cell towers) would be enhanced with the small (range) cell radio access points to improve coverage, capacity and support additional features. Additions of the small cells would allow individual providers to densify the network and prepare for 5G service. The cells themselves (antenna only) can range up to 6 cubic feet in size; however, the additional equipment required to install them can accumulate to as much as 28 cubic feet.

Regulation varies across governments: The City can control zoning ordinances, but they only affect private property, and then only to a certain extent; the City does not zone their ROWs. The City ROW is regulated by franchise agreements which have an approval process through Council. At the State level, Virginia (along with 20 other states) has had active small cell legislation for three years; however, Verizon and AT&T lobbying efforts in 2017 paved the way for providers to be treated as public utilities and most requests accommodated through changing zoning laws. To avoid the cumbersome task of addressing each state individually, lobbying efforts again resulted in federal law (FCC) preempting all States' efforts for control in January 2019. Challenges to the FCC rules (caps on fees, varying shot clocks for approval periods, no grandfathered agreements) is underway, but it is a slow process.

Debra reviewed what the FCC might allow aesthetically, such as making requests that are 1) reasonable, 2) fair, 3) objective (aesthetically), and 4) published in advance; with specific definitions for "reasonable" and "objective". Item number four is not currently established in Virginia Beach. She also pointed out that, despite that Virginia Beach's highly efficient online permit review system, the current shot clocks requirements make the review process difficult and hasty. There is no law limiting the number of applications that may be submitted at once; their office has received as many as 150 at a time. Compliance with the issued permits has also been a problem, and it may be more noticeable at the resort.

As part of the presentation, Debra was questions concerning whether installers will be required to use the same poles, how they will look, the exact locations of where the poles will be located, how many carriers can participate and whether poles can be combined.

QUESTIONS / COMMENTS

Billy Almond asked if the providers can attach the antennas to existing poles, and Debra replied that they cannot: cities have the right to deny providers attaching to city-owned structures, but not third-party structures (i.e. Dominion). If the City allowed attach to a city-owned structure, then there has to be a written Master License Agreement (MLA). The City does have existing MLAs with the providers, in case the providers change their minds and want to attach to a city-owned structure, but it does not always work. Electrical issues and streetlight functionality (de-energizing during the day) make doing so impractical. If the providers reach an agreement to attach to a third-party structure, the city must allow

it. Eddie Bernard, a supervisor with PW Building Maintenance would be able to provide more information.

The advantage of 4G over 5G was reviewed, and the general thought was to be able to service more types of devices, make the service faster and to densify an area.

What other cities had done regarding the towers was discussed.

Guy Tower asked how Debra would characterize the level of cooperation, and she replied that Mobility (who erects towers for Sprint) will agree to the city's requests, and then do something else in the middle of the night. They have since fallen off the permit request list. AT&T is nice and agreeable, but they are heavy-handed/argumentative in their resistance/compliance. Verizon (James Hoffman, of Richmond) has been fairly cooperative, but if push came to shove, he will get done what his upper management wants done.

Bobby Tajan advised that there is going to have to be united argument pertaining to the installation of the towers. Debra Bryan advised to adopt and publish aesthetic standards within the allowed guidelines as soon as possible.

After discussion, a motion was carried to draft a letter to Council requesting that the guidelines be developed and published as soon as possible, due to the unforeseen consequences associated with, essentially, unregulated installation.

Chairman's Report

BJ Baumann updated the Commission on the progress of the RASAP Committee.

Committee Reports

Transportation, Parking, Pedestrian Committee (TPPC)

Preston Midget reviewed the discussions on a letter from the Resort Beach Civic League concerning revisiting the RPPP as part of the RASAP plan and tabled the discussion for the next meeting.

They also reviewed the Bird scooters and Council's recent decision. **After discussion, a motion was carried to request the City Council address the effort to regulate the proliferation of multi-modal transportation in the resort are with an eye on safety.**

Planning & Design Review Committee (PDRC)

Billy Almond reported that the PDRC meeting was canceled last month.

Oceanfront Enhancement Committee (OEC)

Sam Reid deferred to Randy Thompson to discuss and present the request for support of a projection art project for the City. There was a letter in the RAC packets for review and discussion. **A motion to approve the letter from RAC to Council for support of projection art was carried.**

Bobby Melatti cautioned that the focus of the OEC may be drifting, and urged them to continue to focus on the Sense of Arrival (SOA) for the City at the resort. He reminded the Commission that the projection art is a \$1.2M ask. The OEC countered that the Sense of Arrival is included in the RASAP plans and the projection art provides an immediate return, where the SOA may take some time to implement.

Preston Midgett was in support of the projection art, and asked if the \$1.2M is the final cost, he wanted to know more about possible grants and other awards that may be available.

BJ Baumann reminded that the Cultural Affairs Office and the SGA Office are carrying the project; the RAC is expressing support.

Resort Investment Committee (RIC)

BJ reported on review of subcommittee business and upcoming RAC speakers.

Oceanfront Strategic Growth Area Committee (OSGAC)

BJ Baumann reported that the OSGAC is not meeting while the RASAP Steering Committee is meeting.

G.R.E.E.N.

Laura Habr updated the Commission on ongoing recycling and G.R.E.E.N. efforts.

Staff Report

Mike Eason advised on upcoming events and adjustments due to construction; however, he is looking forward to the events, as they have good lineups.

Old Business

None

New Business

None

Public Comment

Meeting adjourned at 5:30 p.m.