



## Legislation Text

---

**File #:** 17-0233, **Version:** 1

---

Resolution Authorizing the Execution of a Lease Agreement Between the City of Hampton and Cellco Partnership d/b/a Verizon Wireless for the Placement and Operation of an In-Building Radio Distribution System and a Small Cell Communications Facility at the Hampton Roads Convention Center

### **PURPOSE/BACKGROUND:**

Cellco Partnership d/b/a Verizon Wireless ("Cellco") desires to utilize space at the Hampton Roads Convention Center ("HRCC") for the placement of (1) an inbuilding radio distribution system, which includes space within and on the roof of the HRCC, and (2) a small cell communications facility, which includes two nodes, antennas, and other equipment, to be placed on the roof of HRCC. Pursuant to §§15.2-1800 and 15.2-2100 of the Code of Virginia of 1950, as amended, a public hearing is required before the City may enter into an agreement for those purposes.

### **Discussion:**

On June 22, 2012, the City and Cellco entered into a five (5) year agreement for the use of space within and on the roof of HRCC for the placement of an inbuilding radio distribution system. This system primarily provides enhanced wireless communications services for HRCC and its users. Due to the in-kind benefit to HRCC, that agreement provides for no rental or other payments. The inbuilding radio distribution system currently remains in place at HRCC. Cellco requests and the City agrees to allow Cellco to continue to use space at HRCC for the same purpose and under substantially the same terms as stated in the prior lease agreement.

In addition, Cellco has requested to use the roof of the HRCC for the placement of a small cell communications facility, which includes two (2) nodes, antennas, and related equipment. That small cell communications facility will enhance Cellco's network coverage, and will primarily benefit Cellco customers in the general vicinity of HRCC. This equipment will be installed after the approval and execution of the attached lease agreement. Cellco has agreed to pay the City annual rent in the amount of \$14,400.00 (\$7,200.00 per node), plus an additional annual sum of \$3,360.00 (\$1,680.00 per node) for electrical and telephone service access necessary to support that facility.

Because both the inbuilding radio system and the small communications facility will be located at the HRCC, the City and Cellco have agreed to use a single agreement with a mutually applicable term of five (5) years.

### **Impact:**

Annual payments of (1) \$14,400.00 for rent; (2) \$ 3,360.00 for certain utility services; and (3) in-kind enhanced wireless communications services for HRCC and its users.

**Recommendation:**

Conduct a public hearing and approve the Resolution.

**WHEREAS**, the City is the owner of real property located at 1610 Coliseum Drive (the "Property"), commonly referred to as the Hampton Roads Convention Center;

**WHEREAS**, in 2012, the City and Cellco Partnership ("Cellco"), d/b/a Verizon Wireless, entered into an agreement for the use of certain space within and on the roof of the Property for the operation of an inbuilding radio distribution system;

**WHEREAS**, Cellco desires to continue to use that certain space for an inbuilding radio distribution system, as well as additional space on the roof of the Property for the placement of a small cell communications facility;

**WHEREAS**, the City Manager, the Director of Information Technology, and the Hampton Roads Convention Center Manager have determined that it is in the best interest of the City to allow Cellco to use the Property for those purposes; and

**WHEREAS**, the City Council of the City of Hampton, Virginia has determined that the terms and conditions of the proposed lease agreement are acceptable.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hampton, Virginia, as follows:

1. That it approves the lease agreement and any revision thereto as approved by the City Attorney to lease certain space at the Property to Cellco Partnership; and
2. That the City Manager or her authorized designee is authorized to execute and deliver to Cellco Partnership a lease agreement in substantially the same form as attached hereto.