as the minimum distance and 1,000 feet as the maximum distance. A determination as to the exact distance could then be made by the City Council based upon the type of antenna being used, the area it would be located in, etc.

Some clarifying discussion was held regarding using 10 microwatts as a reference level for the measurement of radiofrequency energy emanating from cellular towers. It was brought out in discussion that there should be some consensus as to what the committee considers a safe level before the distance can be determined.

> MOTION by Vosko, support by Goldfarb, that the Cellular Tower Study Committee hereby recommends to the City Council that cellular sites (including towers and antennae) shall have a minimum setback of 500 feet from any residential building or school.

Discussion followed to clarify the motion with regard to cellular sites and whether the restriction should also apply to other telecommunication services, either existing or in the future, like Nextel Communications, amateur radio operators, etc. since these services also all emit radiofrequency energy. Mr. Sundquist commented on the legal ramifications if this restriction is focused primarily on the cellular industry. Mr. Vosko pointed out that their mission was to study cellular towers and antennae and he was comfortable with the motion as stated.

Some discussion focused on whether two motions should be made to separate the issues. One motion to address the residential buildings and schools and the other one to address the cellular sites.

Discussion was then held on whether the motion should be amended to include a maximum setback since exposure appears to be reduced the further away a tower is located from residential buildings or schools.

> Motion failed 13-2 (1 abstention).

Lengthy discussion followed with the pros and cons debated as to what should be considered a safe distance from cellular sites, and should the setback be increased from 500 feet. Mr. Sundquist stressed that whatever is decided on in this committee will, undoubtedly, have far reaching effects on other municipalities and possibly the entire state.

> MOTION by Goldfarb, support by Bruckner, that the Cellular Tower Study Committee hereby recommends to the City Council that cellular sites (including towers and antennae) shall have a minimum setback of 750 from all residential buildings and schools.

Discussion followed to clarify the tower heights in relation to the proposed distance.

> Motion carried 9-7.

Mr. Vosko commented that in reviewing some of the ordinances from other cities they have language that stipulates "no variance allowed" and he would like this wording included because he wanted to be sure all property owners/residents within the area are notified if a variance or special approval is sought by a cellular company.

Mr. Donohue recommended that the committee should just word the motion to reflect exactly what they want and let the City Council make the final decision on the language.

Mr. Countegan explained that the Planning Department measures from the boundary lines since this distance is greater. He suggested using the wording "that there is a 750 foot radius for notification of cellular towers" and, by policy, the Planning Department would measure from the boundary of that property.

Dr. Rowe felt the City Council will not be able to put together an ordinance based on what is being proposed.

Mr. Brock agreed that it will be difficult for the Council to develop an ordinance that is really based on nothing that is concrete.

Dr. Rowe commented that possibly the committee should try to make recommendations that are more adaptable and not quite so rigid. Given the state of the research pointing to possible health effects, however, it was her proposal to take a position similar to West Bloomfield and stop with the existing cellular towers to avoid creating further risks by allowing additional towers within the city. Then, anyone who wants to come in will have to look at the possibility of co-locating and the City can address the issue when it arises, i.e. setting a standard, etc. She questioned if this was something the City Council would consider.

Mr. Countegan questioned if the group was charged with making recommendations for suggested changes to the City Code, or was it created to establish some guidelines for the placement of these cellular facilities because he sees the committee attempting to draft an ordinance. This is difficult to do since there are circumstances with every site that do not conform to rigid standards.

Mr. Brock read the pertinent portion of the committee's mission statement as follows: " . . . evaluating the scientific and technical studies regarding the health and safety impacts of these cellular frequencies and formulating recommendations to City Council regarding the future regulation of cellular towers and antennae."

Dr. Rowe continued to express her concern about the committee making a recommendation, given the state of the current research, where there is the potential for the city to be held liable due to possible health effects and that no further approvals should be granted for cellular towers until the state of the research is more clearly defined.

Mr. Brock pointed out that the existing towers are emitting radiofrequency energy at a much, much lower level than the lowest standard in the world and in looking at this objectively, this fact, in his opinion, will carry a lot of weight in making any determinations.

Dr. Rowe suggested another alternative which was to name the specific areas, or districts, where the towers could be located, i.e., in a golf course.

Mr. Sundquist agreed that the idea of locating towers within specific districts made sense since the ordinance already covers some of these areas like the industrial district where towers are a permitted use.

Further discussion was held on the idea of restricting towers to specific districts. Also discussed were other districts where towers might be located and would be compatible to the area.

Mr. Countegan proposed that the committee recommend to the City Council that the Planning Commission be directed to study the feasibility of broadening the location of cellular towers into other districts that currently do not allow them, in lieu of residential districts. In this way, the cellular companies would have some flexibility in locating additional towers within the city.

> MOTION by Rowe, support by Vosko, that the Cellular Tower Study Committee hereby recommends to the City Council that the Planning Commission be directed to study the feasibility of broadening the location of cellular towers into other districts that currently do not allow them which would include: ES, Expressway Service; IRO, Industrial, Research, Office; OS-3, Office Service and B-2, Community Business District.
>
> Motion carried unanimously.
>
> MOTION by Vosko, support by Rowe, that the Cellular Tower Study Committee hereby recommends to the City Council that a 750 foot radius notification process be required for all special approvals/conditions before the Planning Commission for cellular towers.

Discussion followed to clarify the intent of the motion.

> Motion carried 13-3.

Mr. Vosko explained that the committee's next recommendation which is to restrict cellular tower leases/permits to one year, renewable as a Conditional Use Permit, is a precautionary control measure so the cellular companies conform to whatever guidelines are established and not put higher outputs, for example, on its base. The main purpose is to make the cellular companies accountable on a yearly basis. He was amenable to changing the wording, if necessary.

Discussion was held on the rational of this recommendation.

> MOTION by Rowe, support by VanCreveld, that the Cellular Towers Study Committee hereby recommends to the City Council that all cellular company permits be renewable on a yearly basis and to be automatically renewed unless there are deviations in the cellular tower emissions or future research indicates there is an established health concern. In this event, the Planning Commission shall reevaluate the cellular antennae prior to renewal of its permit.

Mr. Sundquist was opposed to the motion for a number of reasons. He believed this was a form of micromanaging cellular companies because antennae are always being adjusted, modified, recalibrated, etc. to provide better service to its customers. Also, it is inappropriate to ask cellular companies to invest in this community if they must prove themselves every year. Dr. Rowe commented that it would be acceptable if these changes could be made within an agreed upon range.

Mr. Vosko concurred with Mr. Sundquist, but went on to explain that the intent here is to have some assurance that the cellular companies continue to conform to a predetermined standard or level and by renewing the permit on a yearly basis a form of control can be maintained. He cited an example to further illustrate his point.

Mr. Sundquist suggested having the cellular company sign an agreement to this effect at the time of the approval.

Mr. Bruckner suggested, since the city will be monitoring the towers on a yearly basis, making it mandatory for the cellular company to notify the city as to any changes that are not in conformance with the guidelines.

Mr. Lord felt this motion was premature since the other parameters have not been established or determined.

Dr. Liboff commented that the values that have been tested to date show that the cellular companies are far below the 10 microwatts per squared centimeter level. He believed to avoid the whole question of legality that it would be simpler to look at the levels measured by the independent expert and then if the standard or level set, for example, at 10 microwatts per centimeter squared, is approached or exceeded then it would be up to the city who would be doing the monitoring to determine whether the levels are accepted or not and the permit is renewed.

Mr. Countegan was not in favor of annual permits because he believed this would not accomplish the committee's purpose. He suggested that maybe the committee should recommend to the City Council that when the Planning Commission is reviewing these cellular sites that

specific questions should be directed to the cellular companies as to what they are going to be doing with these towers and then attest to the fact that their levels meet acceptable standards. Then, if it is later determined by future research there is a renewed health concern the city could undertake monitoring. In this way, the Planning Commission would be made aware of what the cellular companies will be doing and the cellular companies would be on record for their actions, and if there is any change the city will have the authority to proceed accordingly.

Further discussion ensued relative to the intent of the committee with regards to the motion that was still on the floor.

Mr. Vosko suggested Dr. Rowe withdraw her motion and move on to a discussion of No. 6 which is setting the standards that the committee feels should be recommended to the City Council. This recommendation reads, as follows:

> "A source of nonionizing electromagnetic radiation (NIER), when combined with existing sources of NIER, shall not expose the general public to ambient radiation exceeding an equivalent plane wave power density of 10 microwatts per square centimeter at 30-300 megahertz frequency range."

Dr. Rowe withdrew her motion.

> MOTION by Rowe, support by Liboff, that the Cellular Tower Study Committee hereby recommends to the City Council that periodic monitoring shall be done by an independent expert selected by the City to do a random/blind basis after submission of complete site specifications including: outputs, channels, antennae type, power, maximum gain, ERP and frequency per face; and
>
> FURTHER RESOLVES, that a source of nonionizing electromagnetic radiation (NIER), when combined with existing sources of NIER, shall not expose the general public to ambient radiation exceeding an equivalent plane wave power density of 10 microwatts per squared centimeter at the cellular frequency range.

Dr. Liboff supported the motion because he was impressed with the very low values that have been measured in both instances with the blind and planned testing. He felt there was a whole factor of 10 in the elasticity here which was reasonable to him because it should give the cellular companies adequate room to add components if this level is acceptable.

Mr. Lord questioned why it was necessary to have required setbacks if the cellular companies accept this level, particularly if the towers will be periodically tested by the city.

Dr. Liboff replied there were two separate issues here. First, there is the public's perception which is the basis for having a certain level. The other has to do with trying to set a standard

in the community to address possible potential problems that might exist with regard to health concerns.

Mr. Countegan stated that, from his standpoint, there is a practical problem for the industry in terms of locating these facilities given a tolerance of 750 feet. The committee is setting a standard and a parameter as to distance. He felt, before the committee makes any final recommendations, they should look at the map where the current towers are located and study just how this will work now and in the future. What will be needed and is this reasonable given the rapid advance in technology?

Dr. Rowe commented that changing the ending of her motion to "per squared centimeter at the cellular frequency range" does not reflect her intent or the residents concern which is to prevent cellular companies from adding to a field that is already a safety problem.

Dr. Liboff responded that Dr. Rowe was attempting to deal with future findings. He believed it would be more reasonable to have the City Council empower a committee like this to meet two years hence to reexamine the technical aspects relating to safety and health. He could not see how a safety health standard could be determine at this time outside of the 10 microwatts. The standard concept is being directed on how the power is being placed. The safety problem, he believed, is for another group similar to this one.

Dr. Rowe agreed with Dr. Liboff, but added that she did not want a total field that was greater than 10 microwatts per squared centimeter. The total field is the issue here for this standard and, therefore, she would prefer the ending of her motion reworded. She suggested amending the motion as follows:

> "A <u>cellular</u> source of nonionizing electromagnetic radiation (NIER), when combined with existing sources of NIER, shall not expose the general public to ambient radiation exceeding an equivalent plane wave power density of 10 microwatts per squared centimeter."

This, she believed, would get to the intent.

Discussion followed relative to the amended motion and Dr. Rowe's concerns.

Mr. Vosko suggested amending the motion to read: " . . . expose the general public to ambient radiation <u>exceeding 10 microwatts per squared centimeter</u> . . ." since the cellular companies cannot be responsible for other ambient sources.

Further discussion followed relative to the intent of the motion. Dr. Rowe continue to stress that the motion was not addressing her intent or the concerns of the residents.

The motion was amended as follows:

MOTION by Rowe, support by Liboff, that the Cellular Tower Study Committee hereby recommends to the City Council that periodic monitoring by an independent expert selected by the City to do a random/blind basis after submission of complete site specifications including: outputs, channels, antennae type, power, maximum gain, ERP and frequency per face; and

FURTHER RESOLVES, that a cellular source of nonionizing electromagnetic radiation (NIER), when combined with existing sources of NIER, shall not expose the general public to ambient radiation exceeding an equivalent plane wave power density of 10 microwatts per squared centimeter at the cellular frequency range.

Motion carried 10-6.

MOTION by Rowe, support by Goldfarb, that the Cellular Tower Study Committee hereby recommends to the City Council that it consider extending the moratorium until the findings of this committee are complete and the committee can make its final recommendations to the City Council.

Motion carried unanimously.

SECTION OF NEXT MEETING DATE:

The next meeting of the committee will be held on Wednesday, January 17, 1996, at 7:30 p.m. in the lower level conference room.

ADJOURNMENT:

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,
Steve Brock, Assistant City Manager

mg112995

APPROVED

MINUTES
CITY OF FARMINGTON HILLS
AD HOC CELLULAR TOWER STUDY COMMITTEE
WEDNESDAY, JANUARY 17, 1996

The meeting of the Ad Hoc Cellular Tower Study Committee was called to order by Assistant City Manager Steve Brock at 7:40 p.m.

PRESENT:

Residents:	Jan Goldfarb, Sandra McKelly, Dr. Debra Rowe, Gladys Sanford, Shari Schwartz, Marcia VanCreveld and Alan Vosko.
Cellular Companies:	Amy Accettura, Kyle Dilley, Mike Lord and Richard Sundquist.
Scientific Community:	Dr. Abraham Liboff and Dr. Valdis Liepa.
City Representatives:	Assistant City Manager Brock and Director of Planning/Community Development Countegan.
ABSENT:	Deputy Fire Chief Baldwin, Ken Bills, Robert Bruckner, Kathleen McAdaragh-Hain and Sgt. Joe Rebh.

APPROVAL OF MINUTES:

Mr. Sundquist, representing Ameritech, requested that the last line on Page 1 be attributed to the person that made the statement.

The last line of Page 1 was amended to read: "Dr. Liboff commented that the general rule used around the country with regard to valuation of homes close to power lines is that market values can be affected as much as 30%."

MOTION by McKelly, support by Sundquist, to approve the Ad Hoc Cellular Tower Study Committee minutes of November 29, 1995, as amended.

Motion carried unanimously, 14-0.

DISCUSSION OF PROPOSED REGULATIONS AND SITING REQUIREMENTS:

Mr. Vosko stated that he would like to go through the proposed list of regulations of cellular towers and antennas that was distributed at the last meeting and have the committee come to some agreement on them.

Mr. Vosko pointed out that the following motion was made at the meeting of November 29, 1995, and a vote was never taken:

> MOTION by Rowe, support by VanCreveld, that the Cellular Tower Study Committee hereby recommends to the City Council that all cellular company permits be renewable on a yearly basis and to be automatically renewed unless there are deviations in the cellular tower emissions or future research indicates there is an established health concern. In this event, the Planning Commission shall reevaluate the cellular antennae prior to renewal of its permit.

Mr. Vosko stated that he would like to bring this issue to a vote if that is the wish of the committee.

Mr. Liboff suggested that the word "established" be removed from the motion as it has vague connotations.

Mr. Sundquist disagreed with the motion. He stated that once Ameritech receives its approval and permit to erect the tower, they are locked into a lease agreement made with the property owner for 5 years or more. He explained that many of the landlords take the leases to their lender for approval and many times the landlord uses the lease as a source of income for additional borrowings. Mr. Sundquist commented that anything that is renewable in a year could not be used as a source of income. He felt the term "health concern" was too broad. He inquired who would review the proposed "health concern" and what would be the standards for review. Mr. Sundquist added that he does not feel the cellular companies should have to come in and bring in their experts and prove the need for the tower every year.

Mr. Vosko commented that he does not believe the Committee is requiring anything further than asking the cellular companies to not exceed the emission standards as set by the Committee. As long as the levels remain within the guidelines, the permits will automatically be renewed.

Mr. Lord inquired what the standard will be. Mr. Vosko responded that the Committee has recommended that the City use the Russian Standard (10 microwatts).

Mr. Sundquist stated that he feels this is a political issue and that the City could arbitrarily decide not to renew the permit.

Mrs. Goldfarb stated that she is insulted by Mr. Sundquist's comments as the City has been more than fair to pass the moratorium and set up this committee to review the issues.

Dr. Rowe pointed out that the City never turned the towers off even though there were health concerns expressed by the residents; instead the Committee was formed to review the issues. She added that it is not the intent of the Committee to shut the towers off or not renew permits,

however, she feels it is valid to review the issues again if new health concerns are raised and to reconvene the committee to review new information.

Discussion ensued. Assistant City Manager Brock stated that the cellular companies have to trust that the City Staff will follow procedures established by the Planning Commission and City Council. He added that the cellular companies concerns should be clearly expressed, however, this issue could be debated all night to no conclusions. He suggested proceeding with the agenda.

Ms. VanCreveld commented that as a licensed real estate agent, she is licensed by the State of Michigan and her license is renewable on a yearly basis provided that she abides by the laws of the State of Michigan. She stated that she feels cellular towers should also be renewable on a yearly basis rather than every 5 years or as long as the lease may run.

Mr. Sundquist questioned the language of the motion stating that ". . . permits be renewable on a yearly basis and to be automatically renewed unless there are deviations in the cellular tower emissions . . ." He stated that there are always deviations in emissions. Mr. Sundquist added that the Planning Commission has not had the benefit of reading all of this material/data over the past 6 months and he does not feel they can understand the nuances of this issue nor can he depend on them to make an informed decision within an appropriate time frame.

Discussion was held on the wording "deviations" of the motion. A need was expressed to clarify this language. Director of Planning/Community Development Countegan suggested stating that the emissions shall not exceed the Russian Standard, since the group has established that as their standard. Dr. Rowe added that the motion should also clarify that it is not the tower, but the field that the Committee does not want to exceed the Russian Standard. Mr. Countegan also suggested that rather than using the term "health concern" a more agreeable term may be "a verifiable threat to the public health, safety and welfare".

Discussion ensued on the wording of the motion.

> MOTION by Vosko, support by Schwartz, that the Cellular Towers Study Committee hereby recommends to the City Council that all cellular company permits be renewable on a yearly basis and to be automatically renewed unless the ambient field exceeds 10 microwatts per square centimeter at the cellular frequency range or future research indicates there is a verifiable threat to the public health, safety and welfare. In this event, the Planning Commission shall re-evaluate the cellular site prior to renewal of its permit.
>
> Motion carried 10-4 (Accettura, Dilley, Lord and Sundquist opposed).

Mr. Vosko continued through the list of proposed regulations and made the following motions:

MOTION by Vosko, support by VanCreveld, that the Cellular Tower Study Committee hereby recommends to the City Council that co-location of towers be encouraged to reduce the number of cell sites and have the City review the possibility of erecting a combined use tower for rent by the cellular companies.

Mr. Brock inquired if the cellular companies were allowed to co-locate on each other's towers. Mr. Lord stated that they were allowed to co-locate and encourage co-location as it saves costs.

Ms. Schwartz inquired if the cellular companies can also add personal communications and other new technology to their towers and if they are open to that. Mr. Lord indicated that they have not been approached by any of these other companies, but would be willing to consider this possibility.

Mr. Vosko stated that the second half of the motion is just to bring this issue to City Council for review as they may determine they would like to build a tower and generate some revenue.

Mr. Sundquist explained that the cellular companies are in a very competitive business and it would be very unusual for Ameritech to indicate to Cellular One where they intend to locate their towers. He stated that this has not been a problem in Farmington Hills, but he does not want someone to read the minutes and have that become the blueprint for what can be done in other communities. Mr. Sundquist added that some of the towers cannot physically support additional antennae.

Mr. Vosko commented that he cannot require the cellular companies to co-locate, however, he would like it to be encouraged.

Mr. Countegan expressed concern that once this committee has completed its final report it will appear that it is still the residents views versus the cellular companies' views. He stated that there would be more validity to the report if there is a consensus on some of the issues. Mr. Countegan asked that the cellular companies express why some of these motions would not be acceptable and possibly offer some alternative language.

Motion carried unanimously, 14-0.

MOTION by Vosko, support by Goldfarb, that the Cellular Tower Study Committee hereby recommends to the City Council that the site evaluation fees be paid by the company which fees shall cover the cost of monitoring and application processing; dollar amount to be determined.

Mr. Vosko stated that he is not sure what individual monitoring will cost, so it was his thought that the cost for monitoring should be included in the site evaluation fee. He suggested that the monitoring be conducted on a periodic basis, perhaps twice a year.

Discussion was held on the cost of monitoring cell sites on an annual or bi-annual basis. Mr. Sundquist asked Dr. Liepa how much the monitoring would cost, since he is in the business. Dr. Liepa responded that it would cost approximately $100/site, however, if this was done fairly routinely and could be monitored from a vehicle it could cost only $50 per site.

Mr. Dilley, Ameritech, expressed concern that they would be required to pay this fee on an annual or bi-annual basis when the City does not require yearly inspection fees for buildings.

Further discussion ensued on the cost of monitoring the sites. Mr. Sundquist suggested that if the sites are monitored and not found to exceed the Russian Standard as adopted by the Committee, the City would pay the monitoring fees.

Dr. Liboff suggested that if the fees are a burden to the cellular companies, possibly the committee should consider changing the amount of times these are monitored. Mr. Countegan stated that he would support monitoring each site a total of two (2) times; each company monitored one time per year and the next monitoring would be random.

Dr. Rowe commented that if the City gets a funny reading, they will want to test the site again. She inquired if the City would be willing to incur these costs. Mr. Countegan explained that the City has incurred such costs in the past. He added that if the source of the problem is identified and found to be a problem with the tower or site, the costs could be recouped.

The motion died for lack of a clear consensus.

MOTION by Vosko, support by Liboff, that the Cellular Tower Study Committee hereby recommends to the City Council that the site evaluation fees be paid by the company which fees shall cover the cost of monitoring and application processing. The regularity of which shall be one (1) inspection per company on an annual basis.

Motion carried 9-4-1 (Accettura, Dilley, Lord and Sundquist opposed; Dr. Liepa abstained).

MOTION by Vosko, support by Liboff, that the Cellular Tower Study Committee hereby recommends to the City Council that the company seeking approval shall have an agreement with the City to indemnify the City in the case of a lawsuit or other action which may be filed against the City claiming damages due to the use or location of the cell site.

Mr. Vosko explained that the intent of the motion is to keep people from suing the City because they feel the location or use of the cell site has caused them harm. He stated that this motion is asking the cellular companies to back their statement to the City that there is no harm involved and will indemnify the City from any damages.

Dr. Liboff inquired about the normal procedure the City would follow when they are asked to install power lines, sewer connections, etc. where there is a potential for danger. Mr. Brock stated that this is a legal matter that could be addressed by the city attorney. Mr. Countegan indicated that the City recently entered into an agreement with the Michigan Department of Transportation which would indemnify MDOT from any damages having to do with street lighting improvements installed along Grand River.

Mr. Sundquist expressed concern with the broad language used in the motion because as it reads, the cellular companies would have to indemnify the City for a lawsuit which challenges the granting of the original permit. He stated that he does not feel the cellular companies should have to pay the City's attorney fees if a resident sues the City because they do not feel the ZBA or Planning Commission should have approved the original permit allowing the company to erect a cellular tower.

Discussion was held on the wording of the motion. Dr. Liboff stated that he would like to at least see the committee adopt a motion whereby the cellular companies had to indemnify the City from lawsuits claiming that there is a health hazard.

Mr. Brock reiterated that the issue of an indemnification agreement is a legal issue that should be addressed by the city attorney.

The motion was amended to read as follows:

> MOTION by Vosko, support by Liboff, that the Cellular Tower Study Committee hereby recommends to the City Council that the company seeking approval shall have an agreement with the City to indemnify the City in case of a lawsuit or other action that may be filed against the City claiming damages with regard to health due to the use or location of the cell site.
>
> Motion carried 10-4 (Accettura, Dilley, Lord and Sundquist opposed).

Mr. Dilley pointed out that the cellular companies will not vote for this motion because it would appear as if they were stating that there is, in fact, a health problem, when they do not believe that there is.

> MOTION by Vosko, support by Schwartz, that the Cellular Tower Study Committee hereby recommends to the City Council that any sites not in use shall be removed within 90 days at the expense of the owner of the facility.

Mr. Dilley pointed out that similar language is already included in their leases.

Mr. Sundquist stated that 90 days is not enough time to remove a tower and he feels the language "not in use" could be subject to different interpretation. He suggested giving the companies one year to remove a tower. He explained that there are times when Ameritech may eliminate their use of the tower due to technology, but wish to sell it to someone else and that would take longer than 90 days to accomplish.

Mr. Lord suggested changing the wording "not in use" to "no longer required". Mr. Vosko expressed concern that this language would allow cellular companies to keep a tower standing for an extended period of time when it is not being used.

Mr. Countegan stated that he would not mind if the tower is still standing even though it is not in use as long as it is maintained.

Mrs. Goldfarb suggested a time period of 6 months as a compromise.

Mr. Dilley commented that if the residents are worried about the aesthetics of the City, the tower would not become blight as the City has an ordinance to address that.

The motion was amended as follows:

> MOTION by Vosko, support by Schwartz, that the Cellular Tower Study Committee hereby recommends to the City Council that any sites no longer required shall be removed within 6 months at the expense of the owner of the facility.

Mr. Sundquist reiterated that he would require at least one year to remove a tower.

> Motion carried 11-3 (Dilley, Sundquist and VanCreveld opposed).

Ms. VanCreveld stated that she opposed the motion as she feels the wording "no longer required" is too vague.

> MOTION by Vosko, support by Rowe, that the Cellular Tower Study Committee hereby recommends to the City Council that the base of the tower and accessory buildings must be compatible with the character of the area in which it is placed in accordance with the Zoning and Planning Commission guidelines to provide enhanced screening standards to buffer the cell sites from residences.

Mr. Sundquist stated that he feels this is beyond the health issue and deals with aesthetics. He stated that the cellular companies can put anything around the base that the residents want, however, they cannot hide a 100 foot tower.

It was noted that this issue is covered by ordinance already and that the Planning Commission is very sensitive to buffering residential areas from buildings, industrial areas, etc. It was also pointed out that the cellular companies have to submit landscape plans when applying for their original permit.

Motion carried unanimously, 14-0.

MOTION by Vosko, support by VanCreveld, that the Cellular Tower Study Committee hereby recommends to the City Council that under no circumstances is the placement or use of the cellular equipment to be considered a matter of right. It is a matter of permit with approval from the City as a special land use.

Mr. Sundquist inquired how Mr. Countegan interprets this motion. Mr. Countegan stated that he is not sure that the wording is appropriate; he suggested rather than using the term "special land use" simply stating that " . . . a permit is required for the approval of these towers" would be sufficient. He questioned the intent of the motion.

Mr. Vosko stated that the purpose of the motion is to clarify that the towers should not be considered or regulated as public utilities and to prevent the companies from being able to just obtain a building permit and erect the tower with no landscape plans, no approval from the Planning Commission, etc.

Mrs. Goldfarb asked Mr. Countegan to clarify the term "special approval". Mr. Countegan explained that special approval requires a public hearing before the Planning Commission.

Considerable discussion ensued.

Mrs. Goldfarb inquired if this motion should also cover industrial zones. Mr. Vosko stated that it was his understanding that even in industrial zoning districts, the cellular companies are required to make application.

Mr. Brock clarified that it is his understanding that cellular companies must only pull a building permit for those towers located in industrial areas and do not require that plans be submitted or Planning Commission approval.

Mr. Countegan explained that currently the cellular tower use is permitted in industrial areas, with no special approval required, but to erect cellular towers/antennaes in other districts would require special approval or special conditions; and if they exceed height requirements for that district they must go before the Zoning Board of Appeals.

Mr. Vosko indicated that he would like the motion to include the language "special approval" so that every cell site is required to have a public hearing before the Planning Commission.

After further discussion, the motion was amended to read as follows:

> MOTION by Vosko, support by VanCreveld, that the Cellular Tower Study Committee hereby recommends to the City Council that under no circumstances is the placement or use of cellular equipment to be considered a matter of right. All towers and antennaes shall be subject to special approval from the Planning Commission in all zoning districts.

Mr. Sundquist expressed concern that the City and residents have indicated that towers should be located in Industrial Zoning Districts, but now we will have to have a public hearing before the Planning Commission in order to locate them there. He added that he would like to see the height issue reviewed under the same Board/Commission that initially reviews the application in order to cut their costs. He stated that if he is required to go before the Planning Commission and the use is approved, he does not want to have to turn around and go before the Zoning Board of Appeals just for a height variance.

Mr. Countegan noted that the 1992 study on cellular towers recommended that the maximum height of the towers be 120 feet and above 120 feet would require a variance from the ZBA; therefore, if the tower was not over 120 feet in height you would not have to go before both Planning and ZBA. Mr. Sundquist stated that he would like to see the language from this study considered as an ordinance. He commented that he will vote against the motion as he feels there may be some districts such as industrial that he feels should not require approval from any board/commission.

Mr. Countegan agreed with Mr. Sundquist. He stated that he feels if the City is trying to discourage the placement of towers/antennaes in residential areas, he feels there should be some inducements to place them in other areas of the community.

Ms. VanCreveld commented that every site is unique and she would like each cell site to be considered on an individual basis in order to review the surrounding areas.

> Motion carried 8-5-1 (Accettura, Countegan, Dilley, Lord and Sundquist opposed)

Dr. Rowe remarked that it is often the poorest residents that live next to industrial zoning districts and by making the towers in an industrial area subject to a certain distance rather than by zoning district, would only benefit the advantaged few.

Mr. Vosko stated that he would like to eliminate #'s 14, 17 and 18 from the regulations list.

> MOTION by Vosko, support by Liboff, that the Cellular Tower Study Committee hereby recommends to the City Council that an accessory building or service structure shall be located immediately next to the tower/antennae and shall be located closer than 100 feet from the property line.

Dr. Rowe inquired if this motion is needed. Mr. Countegan responded that this issue is already covered, however, it would not hurt to repeat it.

Mr. Dilley stated that the accessory buildings would not be placed away from the tower as there is too much power loss.

Mr. Lord added that many of the parcels they erect the towers on are much smaller than 100 feet.

The motion was amended to read as follows:

> MOTION by Vosko, support by Liboff, that the Cellular Tower Study Committee hereby recommends to the City Council that an accessory building or service structure shall be located immediately next to the tower/antennae. These structures shall conform to the building codes and zoning restrictions.
>
> Motion carried unanimously, 14-0.
>
> MOTION by Vosko, support by VanCreveld, that the Cellular Tower Study Committee hereby recommends to the City Council that it be the obligation of the City to notify adjoining property owners up to 500 feet of a proposed cell site and provide a forum for their concerns before final approval of an application.

Mrs. Goldfarb stated that this motion was made on November 29, 1995, with 750 foot notification. Mr. Vosko withdrew his motion.

Dr. Rowe indicated that she would like to see the Council of Homeowners Association (COHA) and committee members notified also.

> MOTION by Vosko, support by Goldfarb, that the Cellular Tower Study Committee hereby recommends to the City Council that all cell sites shall require a public hearing with notice to all schools, residents within a 500 foot radius, all neighborhood associations within one mile, the Council of Homeowners Association and Ad Hoc Cellular Tower Study Committee Members.

Mr. Dilley inquired why there was a need to notify all of these other people other than the residents within 500 feet.

Mr. Vosko stated that COHA represents all Homeowners Associations and the committee members have a continuing interest. It was noted that schools and COHA are already notified as part of the City's process.

Mr. Sundquist expressed concern with attempting to notify too many people as he believes once someone doesn't get notified that is when they start to object to a project.

Motion carried 10-4 (Accettura, Dilley, Lord and Sundquist opposed).

Mr. Vosko noted that a previous motion was passed by the committee recommending that cellular sites (including towers and antennaes) shall have a minimum setback of 750 feet from all residential buildings and schools. He commented that he feels 750 feet may be too much and he would like to revisit this issue. Mr. Vosko indicated that he asked Dr. Liepa to conduct additional research in order to clarify the issue of how far the towers should be located from residential buildings and schools.

Dr. Liepa discussed the average power densities over a 24 hour period for the tower located at Twelve Mile and Farmington Roads. He presented to the committee the distances at which maximum field could be expected. He noted that he conducted this same study on all antennaes outlined in the committee's report dated November 8, 1995 and the majority of the antennaes reach their maximum field at approximately 360 feet from the tower; the towers/antennaes are 1/5 below the Russian Standard, which is the lowest standard in the world.

Mr. Vosko stated that from this finding, he feels a 500 foot setback requirement from residential buildings and schools is sufficient.

Considerable discussion ensued. It was asked if the distance should even be an issue if the maximum fields are 1/5 below the Russian Standard.

It was the position of the cellular companies that since the maximum field is 1/5 below the Russian Standard, a setback requirement is not necessary.

MOTION by Vosko, support by Liboff, to amend the motion made at the November 29, 1995, Cellular Tower Study Committee meeting to recommend to the City Council that cellular sites (including towers and antennaes) shall have a minimum setback of 500 feet from all residential buildings and schools.

Mr. Vosko commented that his motion takes into consideration aesthetics as well as the health concerns, property values, etc., and he feels Council would look more favorably at a less restrictive setback based on all of these issues.

Dr. Liboff stated that he feels this change is meaningless since the cellular companies involved do not feel that there should be any setback requirements.

Mr. Lord commented that he feels the committee was formed to review the health issues and this motion is heavily bias towards aesthetics and perceived property value concerns.

Motion failed 4-7 (3 abstentions).

Mrs. Goldfarb stated that there were certain zoning districts where cellular towers were not allowed, and the committee had previously discussed opening up those districts to allow towers/antennaes. Mr. Countegan pointed out that currently cellular towers were not allowed in B-2, OS-3, ES and IRO districts.

It was noted that a motion was already made at the November 29, 1995, meeting to allow towers/antennaes in the above mentioned districts.

MOTION by Goldfarb, support by VanCreveld, that the Cellular Tower Study Committee recommend to City Council that the committee be considered a standing committee to remain in effect and that the members of the committee be informed of the new cellular site locations, any changes in the current site, and to allow the committee to meet when necessary. Motion carried 9-4 (1 abstention).

Mr. Sundquist stated that he would like to discuss the valuation of properties. He mentioned that he has made several inquiries to the National Association of Realtors and they do not have any information with regard to cellular towers and market valuation. He commented that nothing has been written on this issue and the studies that the cellular companies have conducted themselves reflect that there is no change in the market value of property because of the existence/placement of cellular towers. Mr. Sundquist pointed out that in seller disclosure forms it asks a person selling their home to disclose information with regard to environmental hazards. He asked Ms. VanCreveld, because she is a realtor, if she has ever advised her clients to make any reference to cellular towers on that section of the disclosure form.

Ms. VanCreveld responded that by law she, as a realtor, is to have no influence on a seller's disclosure in any way. She stated that she would, however, disclose to a potential buyer if there were plans for a cellular tower to be located in the immediate area; and if she were selling her own home, she would disclose any information she had with regard to cellular towers.

Ms. VanCreveld pointed out that the State of Michigan has printed some information on cellular towers, and she has questioned why other states have much more information. She stated that she is investigating this issue and will share her findings with the committee.

Ms. Schwartz commented that many people do not even know what a cellular tower is and they don't have any information on them and that may be one reason why sellers do not disclose such information.

Mr. Liboff stated that he receives many calls with regard to cellular towers and he feels that people do understand the potential problems. He stated that the perception of the public is such

that he would suspect that someone who has a cellular tower near their house would find it more difficult to sell.

A resident and real estate broker with Thompson Brown Real Estate indicated that she would be willing to provide documents as to the market values of homes in her area before and after cellular towers were placed. She noted that the prices of the homes in this area have increased.

Mr. Sundquist pointed out that the City Assessor has indicated that he will not reduce property values because of cellular tower locations and he has never heard of any other Assessor reducing property values nor has anyone every told him that they could not sell their home because a cellular tower was located in their area.

Mr. Vosko stated that the work of this committee is ending for the time being and he would like to propose that the mission statement and resolutions be compiled from all past meetings and serve as the report of the Cellular Tower Study Committee to be submitted to City Council for their review.

It was suggested that backup materials (articles, studies, etc.) be included as part of the report. Considerable discussion was held on the materials to be included.

> MOTION by Vosko, support by VanCreveld, to compile the mission statement, copies of all meeting minutes and motions of the Cellular Tower Study Committee to be submitted to City Council as the committee's final report for their review and consideration.
>
> Motion carried 10-4 (Accettura, Dilley, Lord and Sundquist opposed).

Mr. Brock expressed his thanks to the group for their participation in this study.

ADJOURNMENT:

There being no further business, the meeting adjourned at 10:53 p.m.

pbs/cell11796