Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Thursday, June 1, 2017 - 3:30 p.m.

1. CALL TO ORDER & ROLL CALL

Commissioner Barcus, as Acting Chair, called the meeting to order at 3:30 p.m.

Roll Call:

Planning & Zoning Commissioners Present: Commissioners Randy Barcus, Eric Brandt, Avrum Cohen and Larry Klein. Chair Marty Losoff and Vice Chair Kathy Levin were excused and Commissioner Mayer was unexcused.

Staff Present: Warren Campbell, Roxanne Holland, Audree Juhlin, Cari Meyer, Karen Osburn, Robert Pickels and Donna Puckett

Councilor(s) Present: Mayor Sandy Moriarty, Vice Mayor John Martinez and Councilor Scott Jablow

2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS

There were no announcements.

3. APPROVAL OF THE FOLLOWING MINUTES:

a. April 18, 2017 (R)

Commissioner Barcus indicated that the Commission needed to approve the minutes of April 18th, and Commissioner Klein noted that he may not have been present, so there may not be a quorum to vote; however, Robert Pickels explained that you do not need to have been present to vote.

MOTION: Commissioner Cohen so moved. Commissioner Klein seconded the motion. Motion carried, four (4) for and zero (0) opposed. Chair Losoff and Vice Chair Levin were excused and Commissioner Mayer was unexcused.

4. PUBLIC FORUM: *(This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)*

Commissioner Barcus opened the public forum and, having no requests to speak, closed the public forum.

5. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES:

a. Discussion/possible action regarding a recommendation to the Sedona City Council regarding amendments to the Sedona Wireless Communications Facilities Ordinance, Sedona Land Development Code, Article 17, Wireless Communications Facilities, to be consistent with changes in federal regulations.

Commissioner Barcus read agenda item 5.a above and asked Karen Osburn if she wanted to open the discussion.

Presentation, Karen Osburn: Karen explained that she wanted to start by revisiting why this planning process was initiated, what some of the goals are, and follow-up on how things have

changed with the new Arizona law, which allows wireless to locate in the City's rights-of-way and does impact this planning process. Karen then introduced Anthony Lepore, Director of Regulatory Affairs and Susan Rabold, Project Manager, with CityScape and indicated that they will also give a brief presentation.

Karen explained that despite the speculation over the City's motives for undertaking this effort, it was done in an attempt to be proactive and to get in front of and direct the wireless industry as they build out their network in Sedona. The Plan was developed to ensure we get improved service while protecting Sedona's visual beauty. We know that the wireless industry will need to expand their coverage in Sedona, and at some point, they also are going to need to deploy new technology.

Karen acknowledged that we have heard from residents who claim that their service is adequate and no infrastructure is needed, but we have also heard from residents who are concerned about the lack of coverage, the speed and the capacity. CityScape did do propagation mapping and found existing gaps, and there were quite a few of them. They also projected what is going to happen with the demand, and as that continues to increase, there will be more need for additional capacity, plus there are the new technologies, which Ms. Rabold and Mr. Lepore will talk more about, but the new technologies are coming and the industry will want to add that new infrastructure as well.

Karen indicated that the Plan is an effort to allow that infrastructure to come to Sedona with the least negative impact to the community and to ensure that the infrastructure is well concealed, fits with the landscape and preserves the natural beauty as much as possible. We do have to allow the infrastructure to come in. We don't have to put it on City property, but the Federal Government says that we have to allow it if the carriers need it to provide service to their customers. If we don't select any sites for the providers, they will negotiate leases with private property owners, and they will go where they decide to go, so we take our chances. Those might be appropriate sites, but they may not be. We also know that if we are the landlord, we can dictate much stricter terms on where they are built, what types are built, the heights, size, etc., than if we are simply serving as the regulatory agency reacting to the application, when they have already negotiated their leases and they are just bringing in an application for approval.

Karen stated that as far as the 20 city-owned sites, if any of them are included in the Plan, that means that if a company wants to put a facility in that area, there are some already vetted locations, where if they follow specific appearance and size requirements, and all of the other things stipulated in the Plan, it will be an easier approval process for them, which is time and money to the industry, so that really means something to them. We are trying to incentivize them into going where we prefer and for them to look the way we want.

Karen also wanted to make it clear, since this is a point of confusion, that we have no applications and we haven't even talked to any providers about any of the sites. The City is in no way driving these things to be built, we are really just trying to get ahead of those providers that we know are going to come. The facilities are only going to be built if the cell phone providers need the infrastructure to provide that service in those specific locations, and maybe they will want to go there and maybe they won't. CityScape did the best job they could to make those educated predictions about where the gaps are and where the industry will need to go, but none of us have a crystal ball, so we don't know for sure.

Karen explained that with no plan in place and no city-owned sites to offer, a wireless provider can put a tower in whatever location they would like, as long as they have the property owner's approval and it meets our zoning and building code requirements, so that is why we wanted to develop the Plan with city-owned options included. With that being said, since the last meeting, our City Attorney Robert Pickels has spent a great deal of time trying to further understand and obtain clarification on the new House Bill 2365, which is now law in Arizona. To interpret what that means for us, if the City had known that this was coming and the Arizona Legislature was going to bring this out, introduce it and approve it into law, we probably wouldn't have embarked on this planning

effort, because it makes what we are offering the industry, that expedited planning process if they go where we want, etc., something that the industry no longer needs with this new law. The law says that wireless providers or even speculative infrastructure developers, which are the tower companies, can site towers in the City's rights-of-way by right without public process, and the City must give them a right-of-way permit to do it within 20 days of them submitting a complete application. There are some public safety requirements that we can build in, because we are going to have to put a new part of our City Code together to address this, so for things like public safety and appearance, we can stipulate things around that, but the towers could be 40 ft. to 50 ft. tall with an automatic ability, once they are in place, to extend them another 10 ft. under the federal law, and just to put that into perspective, most of our city streets are about 50 ft. wide and about 24 ft. of that is the street, so about 13 ft. on either side of most city streets is the right-of-way, and anywhere within that 13 ft. on either side of the street is fair game for the wireless towers. If the Plan is now only applicable if the industry wants to defer to our desired sites, there will be some who can't do what they need to do in the right-of-way and will still need a different location or opportunity to place their infrastructure. That will still apply and the Plan will still be useful in that context, but they are going to want to first exhaust every opportunity to go in the rights-of-way, because it is quick, easy and virtually free to them.

Commissioner Klein asked if this is an Arizona bill or a federal bill, and Karen stated that it is an Arizona bill, a House Bill that was passed and signed into law by the Governor at the end of March. The Commissioner then asked what it said exactly about the right-of-way, and Karen indicated that it says that wireless providers who are installing a small cell application can go by right, which means that they just fill out an application, follow the guidelines about public safety, which could include spacing, and they are going to make it look like something that is our preference on appearance. They can submit their application, and we have to give them a permit to put it up within 20 days. There is no public process or notification to neighbors, and no Conditional Use Permit process that comes before the Commission. It is basically an over-the-counter application, and we have to provide them a permit to do it.

Commissioner Klein then asked what is meant by a small cell application, and Karen Osburn stated that the guidelines in the Arizona law says they can be a maximum of 40 ft. above the ground or 10 ft. taller than any other utility pole that already exists within 500 ft. of where they want to place theirs. Once they have met that height threshold, then the federal law kicks in, and they will be allowed to automatically increase that by another 10 ft., so most of our utility poles are around 30 ft., so they would be able to go 10 ft. above that to 40 ft., and then another 10 ft. above that. To provide some comparison, the small cell at the Church of the Red Rocks is really the only small cell tower we have in Sedona, and it is 27 ft.

The Commissioner then indicated that they can submit the application and there is no way the City can deny it, and Karen stated that is correct, unless it does not comport with the public safety. Robert Pickels agreed and explained that it is by right, but it is still subject to . . ., and this was a negotiated process, if you want to call it that. There were representatives of the cities and towns involved in the drafting of the legislation, but it was initiated largely by the Governor's office as a way of being a more welcoming economy for the State of Arizona, and it is very consistent with his philosophy of trying to ensure that people understand what they are going to get when they come to do business here. The phrase that was largely used was a 'predictable regulatory structure statewide', so that any developer coming in, whether in Sedona, Phoenix or Tucson, etc., will have that same regulatory structure in place. What was negotiated was that the initial language in the Bill did not include any ability for cities and towns to have a role in determining what these facilities look like. When the right-of-way permit is issued, as Karen addressed, we will have the public safety components and spacing issues, but the more important piece for him is the concealment authority, so we can determine what, as long as it is an objective standard, and we are still trying to determine what that will be, because we are still developing the Code language, but as long as there is an objective standard applied to every application that comes in, we can have a role in the process of determining what the concealment standards are, so it is not automatic, they still have to comply with whatever we determine that objective standard is.

Commissioner Barcus indicated that one of the things we have been evaluating over the last several months is that both private property owners and the City would potentially be eligible for rental payments from the cell tower constructors. He then asked if there is a fee associated with a right-of-way tower installation or is this a by right, no fee element. Robert Pickels stated that it depends on your perspective; there is a fee, but it is so minimal that it is almost laughable. It is $50 annually, and it was proposed at $20 and was generously increased to $50. The Commissioner then asked if that is embedded in the state law and Robert stated yes.

Commissioner Cohen asked if the issue of it being a private home zoned for residential would keep the cell phone tower from going in there, if Joe Smith wants one on his roof. Karen Osburn explained that this House Bill deals with the right-of-way, but right now our ordinance says that there cannot be any wireless infrastructure on a residential property that has a residential use, and she should say single-family residential, because multi-family is different. We are proposing in the new ordinance, and Mr. Lepore will address that in his presentation, because what we understand from CityScape is the wave of the future in technology is a smaller cell and Distributed Antenna Systems (DAS); things that are not the big towers that we are used to associating with wireless, and the providers will need to be in neighborhoods, so there are certain residential concealments for very small infrastructure that could be permissible, but she will let Mr. Lepore elaborate on what that means.

Presentation, Anthony Lepore, Director of Regulatory Affairs with CityScape: Mr. Lepore indicated that he would first elaborate a little on some of the questions posed, and he explained that Arizona is not the only state where this Bill was introduced. It was introduced in virtually the same form in Florida, Georgia, North Carolina where it is going to pass today, Virginia, Ohio, Indiana and Wisconsin, so the wireless tower industry has been very busy in doing this at the state level in as many states as they can in order to get into the rights-of-way, because for them it presents an economic model and $50 is not a lot for them to deploy service and make a lot of money and not pay for what they are getting. It is a perfect economic model if you can generate revenue from infrastructure that you don't have to pay for in terms of rent, so the stock value of the American Towers and the Crown Castles is going to go up.

Commissioner Barcus asked when this is placed in the right-of-way, where the $50 per year will go. Will it go to the City or County? Mr. Lepore indicated it would go to whoever's right-of-way they were going in. The Commissioner then asked if it wouldn't go to the property owner, and Mr. Lepore stated no.

Commissioner Cohen asked if it is on S.R. 89A or S.R. 179, would it go to the State of Arizona, and Mr. Lepore stated yes; however, Susan Rabold explained that the state has a different economic model, and Mr. Lepore added that the state is going to make money on this by using their right-of-way; they will charge a lot more than $50. Robert Pickels indicated that the state was specifically excluded from this legislation by design.

Mr. Lepore indicated that they are dealing with two components to the process. One is the Master Plan and one is revising the ordinance to harmonize with the Master Plan, so they identified the existing and anticipated gaps in the network, and they went through that process in the last hearing. They went through a discussion of your preferred type of infrastructure and preferred type of approval process and development standards that you are going to want. We designed a siting preference hierarchy following the public participation process, etc., and developed the Use Table for all of that, and they incorporated all of that into the draft ordinance and the Master Plan. That is sort of where they have been and they cataloged what you have in existing inventory. You have 22 sites that service your community, and they analyzed that existing inventory and projected forward based on what they know of the industry, where the industry's growth is going, and what the technology is going to be from a spectrum perspective and spectrum allocation perspective, and then they projected from 17 to 25 new facilities over the next 10 years and generally where they expected them to be, and they plotted all of that in a lot of different fashions. Ms. Rabold then clarified that it is not 17 to 25 new macro sites like you see at the airport and Fire District; probably

a few macro facilities, but a lot of small cells and into the future when 5G is deployed, you will see something smaller called nodes and distributed antenna networks.

Commissioner Cohen referenced the document that talked about the noise of the small units and that they are no louder than a compressor that we might have as an auxiliary. He then asked if he read that correctly, and Commissioner Barcus clarified that Commissioner Cohen was talking about base station air conditioning fan loads. Susan Rabold indicated that if they mean on the small cell, they are not nearly as loud as what you have at a macro site. Commissioner Cohen stated that he read it carefully, and it did state that they are no louder than, if he is quoting properly, a compressor that you might have when the electricity goes out at your house. Ms. Rabold indicated that is right, like a generator, but we could try and put the decibel amount to that, if that would be more helpful.

Commissioner Cohen then asked if we could limit the decibel amount, and Mr. Lepore stated only to the extent that the technology exists for that type of equipment. There are some instances where you can design some muffler and noise suppression elements, but the state of the technology isn't there yet to reduce it beyond a significant level. The Commissioner then asked Robert Pickels if the state law ties our hands on that one, and Robert stated that noise is not addressed. Commissioner Cohen then stated that it is a matter of if the technology exists to make them quieter, and Mr. Lepore stated right, and they can develop it so they at least use whatever the state of the technology is at the time they develop it. Commissioner Cohen asked if we can word the resolution to state that as technology is further developed, it would have to be followed even if it means AT&T would have to change its compressor periodically. Mr. Lepore indicated that he doesn't think you could do that from a legislative standpoint, and Robert Pickels agreed.

Commissioner Barcus noted that we have a very large crowd today and he reminded everyone that this is a public hearing and it is not unlike a City Council meeting where any conversation in the audience is not permitted. If you want to say something to your neighbor, please go outside and there will be no demonstrations, signs or applause, just like with the City Council, and he was going to mention that earlier, but he didn't see the Mayor here, and she is usually the one that gets to do that at the City Council meetings, so he missed his queue, but he wanted to remind everyone that this is a public hearing and we appreciate your indulgence. The next item we will be addressing is your concerns and that will be the time for comment, and he will be refereeing that process, but we are going through the presentation now and will have some discussion among the Commissioners, and will open it up to the public comment, close the public comment, and then we will come back and have more discussion and decide what we are going to do.

Susan Rabold stated that in response to Commissioner Cohen's question, both documents are in draft form, so it gives them plenty of opportunity to modify and any questions that we aren't quite able to answer today without more research, we will go back and respond to you. Commissioner Cohen stated that he would appreciate looking at the sound levels and how they can be reduced.

Anthony Lepore stated that HB2365 passed into law on 3/31/17 and as long as it meets certain parameters, you basically have to approve it and it doesn't go through any zoning process. Regarding the designing of other sections of your Code that are not going to be part of this, because this is your Zoning Ordinance, but other sections, particularly the concealment and design standards, because in doing that to the greatest extent possible, it will create an economic cost for an applicant to go into the right-of-way that they might want to forego and come back to the Plan and the Zoning Ordinance. If your design elements are that you want it to look like this, painted this color, designed in this fashion, etc., the legislature gave you that crack in the door to create objective design standards, so go crazy with them and do them to the nth degree, because anybody looking at that will see it will be expensive to build a lot of those, and maybe they will look at the Master Plan to see if they can solve the problem in a different fashion.

Commissioner Cohen asked if they will give us guidance and Mr. Lepore stated yes; that is where the legislature giveth and the legislature taketh away. In this one instance, since it was part of the

negotiation, you can maximize the opportunity that is there to drive things back to where you have a little more control.

Commissioner Klein read that small wireless facilities must be classified as a permitted use and are not subject to zoning review or approval if the small wireless facility is collocated in a right-of-way in any zone, and it is his understanding that collocation refers to where you are putting something on an already existing tower or something. He then asked if that means it only applies to collocation, and Mr. Lepore stated no, because the Arizona Legislature decided to define collocation differently than the federal law defines it. The Commissioner asked how they can do that, doesn't the federal law preempt state law? Anthony Lepore stated not in this particular instance, and Commissioner Cohen then asked if not even because of the federal constitution for interstate commerce, and Mr. Lepore referenced Amendment 10 and noted that there hasn't been a case yet. He has had this issue in North Carolina for a number of years, because their law substantially differs from the FCC's definition of 'substantial change' under federal law, where if you are truly collocating on an existing wireless facility and you don't make what the FCC defines as a 'substantial change' it is permitted by right. One of those categories is you don't increase the ground compound, but the minute you create an extra square foot of ground compound, it is a substantial change and goes back into CUP, zoning, etc. In North Carolina, you can increase the ground compound by 2,500 sq. ft., which is a single-family home, without it being a substantial change and no one has challenged that yet.

Commissioner Klein asked how they define collocation, and Mr. Lepore stated that under state law, it is a wireless piece of infrastructure on anything that is vertical, meaning the first wireless thing on anything vertical is defined on a state level as collocation, but not on a federal level. Commissioner Klein then stated that under the state's definition, a new tower would classify as collocation, and Mr. Lepore added, in the right-of-way. Remember it only deals with right-of-way, and in the right-of-way, the first antenna on a pole is defined as a collocation, which is not the federal definition and that is a problem in every state he has mentioned. No one has fixed that dichotomy yet.

Commissioner Barcus asked, to clarify for everyone, which of the three pictures has collocation on existing equipment, and Mr. Lepore explained that all of them are collocation under state law. Under federal law, the middle picture clearly is a collocation and a poorly designed one, and the two on either side of that could potentially, depending on the type of federal collocation, meaning a second carrier could potentially be on either one of those. Ms. Rabold added that the one on the far left meets the definition of a small cell by the state's definition in that the antenna doesn't exceed more than 6 cu. ft. by volume and the equipment housing the electronics does not exceed 24 cu. ft. by volume, and the one in the middle shows how you could potentially increase the first one by 10%, and the width and girth measurements to still be in compliance. It is very close; that equipment box protruding to the right is probably outside, but if you took that off, the way this is added to and the fact that they have two on that facility is probably showing how you would maximize that definition of how you could expand that small cell. Those are clearly non-concealed facilities for small cell. The goal would be to not have those, but to have the concealed facilities, which is the example on the right. Commissioner Barcus asked where the base station is in the one on the right, and Ms. Rabold explained it is the facility that sort of looks like a trash can. The Commissioner commented that he thought it was a trash can and Ms. Rabold stated that is the idea, it is part of the concealment solution.

Commissioner Barcus stated that to be clear, the regulations that we are discussing today are outside of what is being shown, and Ms. Rabold clarified, unless they exceed that initial design standard and they do not fall under the criteria of the state legislation, then your ordinance would address that. Mr. Lepore added that someone could still propose to go in the right-of-way, but say they want additional height beyond what the state allows or a size beyond what the state parameters set, then that would come back to you. Commissioner Barcus indicated that what he was trying to ask was if they are within those parameters, then the City is required to provide expedited service or approval to those, and Mr. Lepore stated, correct. The Commissioner then stated that what we are talking about in this hearing is everything else and has nothing to do with this. Ms. Rabold stated that is right and this would need to be addressed in your Title 12 and not in

the wireless ordinance. Robert Pickels clarified that it would be addressed in the City Code, not the Land Development Code, so it is a different process for us advancing that through for the City Council's approval.

Commissioner Cohen stated that installation of these devices is going to cost money, and he assumes that the owner of the pole is the one who is responsible for paying for it, but what if they destroy part of a sidewalk or curb or other property, are they held responsible or does the City have to take legal action to hold the contractor to it? Anthony Lepore stated that presumably you already have a process now for when infrastructure goes into your right-of-way of preserving sidewalks or re-landscaping, etc. Commissioner Cohen asked if the structure would be applicable to this over which the federal and state have exerted so much control, and Mr. Lepore indicated that for that purpose yes, you would still have your ordinary ability as you do with any other location of infrastructure.

Commissioner Barcus indicated that he wanted Robert Pickels to respond, and then he wanted to bring it back to this hearing. Robert indicated that is what he was going to respond; that is not a significant question, but it exceeds the scope of what we are here to talk about today. It is important to be aware of House Bill 2365 and what is going to occur within the right-of-way, but we will address that separately through a different process through amendments to our Sedona City Code. What you need to focus on today is what is presented in the Wireless Master Plan and Sedona Land Development Code.

Anthony Lepore stated that they developed a set of siting preferences based on all of the different polling they did of the public, elected officials, etc., and the hierarchy they developed for any other infrastructure in the community of the type you want to see and where it would go begins with the concealed base station outside of the right-of-way. Your first default option is city property in the Master Plan. The second option is city-owned property not in the Master Plan, and the third option is other public property, and then private non-residential property, and lastly, private property that is zoned Multi-Family or non-residential structures in a residential district. That is the gamut of potential for that type of infrastructure and the different pecking order of locations for that type of infrastructure. Then, it goes on to the next type of preferred infrastructure and the second option would be a concealed collocation under federal definition of collocation, meaning there is already something wireless there and you are adding to it, and again, the type of infrastructure followed by the hierarchy of location of that infrastructure. Third would be replacement of an existing non-concealed tower with a new concealed tower, and for that, it doesn't make a difference in terms of the pecking order, because you are taking down something existing, so it is wherever it is, but you are replacing it with something concealed.

Commissioner Barcus asked if pecking order is 1.a and then 1.b, and it goes all the way through, and Mr. Lepore stated yes, for the type of infrastructure. Commissioner Barcus then asked if a cell tower provider said they didn't want to do anything in #1, the next level of the pecking order is #2, and Mr. Lepore said right, and they have to show why #1 does not work for them. The Commissioner asked how they would make that showing, and Mr. Lepore explained that they generally will demonstrate from an electrical engineering perspective how that type of infrastructure has certain limitations and will not solve their coverage or capacity issue. There are limitations when you start putting concealment obligations on infrastructure; it reduces the ability of the infrastructure to service a broader geographical area, and the federal standard established by court cases is to establish a need for coverage or capacity for service, and as long as they can demonstrate that the higher-ranked alternative will not solve that need, they can demonstrate the need for the lower-ranked alternative. The Commissioner then asked if this is a physics-engineering demonstration kind of proof or a point scale that it covers 80%, etc.; how does this proof happen? Mr. Lepore stated that the applicant's engineer will testify to you that they can't solve the problem with that design, and you will weigh the evidence with the benefit of a third-party expert who will review the same engineering information and either agree or disagree with the applicant to say that they could solve it by doing something a little differently, then you have the benefit of weighing that evidence and making a quasi-judicial determination as to whether or not the

applicant proved their case for the type of infrastructure they want. Commissioner Barcus then asked Audree Juhlin if that would come to the Commission, and Karen Osburn responded that Mr. Lepore is going to be addressing the approvals, so if it requires a Conditional Use Permit, it would come to the Commission. If there are certain instances, it would be an administrative approval, and we will get into those, so some will and some won't.

Susan Rabold wanted to provide another example of why #1 possibly could not be met, and that would be because there may not be a structure for them to go on. That is more common and there may not be a facility tall enough for them to go on that is existing as a base station. It could be that there is not a property owner that is agreeable to them using a rooftop or expanding a rooftop. That is a situation they have right now; you have AT&T on a building presently, and another service provider wanted to go on that facility, but in their lease with that property owner, they have an exclusive right to that facility, so that service provider can't go on that site and they are looking at an alternative location. Those types of things are valid reasons; they may get to #2 and not be able to do a concealed collocation on an existing concealed towner, because there is not one of those in their geographic search area either. Then, they would get to #3 and ask if they could replace one of the existing non-concealed towers with a concealed tower. You have four of them, and if they are not going to the airport or Fire District, that may move them on to #4. Those are some valid reasons why they may need to move further down into the hierarchy.

Anthony Lepore explained that the hierarchy continues on with a base station for DAS and that is the small cell, which is generally the direction some of the industry is going. The more mature providers are going in that direction and the new entrants still need a lot of the traditional macro infrastructure, because they are just developing their network and subscriber base, so they are at the infancy level of their development timeline, whereas the more traditional giants, AT&T, Verizon, T-Mobile, etc. are further along in their development line, but this is sort of the way the industry elsewhere is going. He spent some time in Tokyo recently and they are 10 years ahead of us in terms of wireless technology, and lest you think well that is Tokyo with seven million people, he was in a mountain on a train between Bologna and Firenze last week and the same technology exists there, where the population density and the topography is very similar to here. It is just that they had a 10-year head start in terms of developing this infrastructure. That is the hierarchy that they designed and that takes us to the last one you want, which is a non-concealed tower, so that is the last option in your hierarchy. Susan added that they would be hard pressed to get to that point and be able to justify building another non-concealed facility for personal wireless services, but you have to allow for it.

Mr. Lepore noted that they identified potential city properties that are keyed on the map, and he would like the Commission's feedback as to whether or not to keep them in the inventory. He then showed the different recommendations in terms of some of the design elements – the concealed small cells, the faux tree-type of concealment and the concealed base station, and indicated that is probably what you are going to be looking at in terms of the design component of your process. Each of the proposals were developed in accordance with very site-specific data of what is appropriate for that particular location. Susan added that was based on the polling that came from public input, staff, and appointed and elected officials. They took all of that information and gave their best educated suggestion, but as they go through the table, if you disagree, it would be a good time to change, add, remove, etc., because that would be part of the recommendation going forward.

Commissioner Barcus asked the Commission if they wanted to do that one-by-one or wait and go through all of them and eliminate some afterward. Mr. Lepore explained that you could certainly consider them; you don't have to tell him right now, if you want to think about them and get back to them on which design for which location you think is appropriate or inappropriate. He is not asking you to make a spot decision. The Commissioner commented that this is the fourth time the Commission has seen these, and all Commissioners have seen them at least twice, so he is not sure that this is going to be challenging for the Commission to decide which ones to remove, if any.

Susan Rabold explained that this is important, because if the ordinance develops like this with the Master Plan, then if the industry came in, any of these site-specific properties would be administrative approvals, if they were developed according to the site-specific criteria in the Master Plan. If they deviate from that, then they would have to come through for a Conditional Use Permit, so having that recommendation is important as this moves forward.

Commissioner Barcus then indicated that the ones that stay in the Master Plan have the administrative process, and if we were to eliminate one or more of these, it would require a Conditional Use Permit, but based on the hierarchy, they could still come in and say they are meeting the hierarchy and here is why they need to put in this . . , Anthony Lepore interjected that you also would have to be willing to lease it to them, because these are city-owned parcels, so you would have to be a willing landlord as well. You first would have to establish as a threshold that you would want to lease that property to them. Commissioner Cohen asked if there are different criteria that we haven't looked at before, and Susan Rabold stated that they are the same.

Robert Pickels noted that as a matter of procedure he first would ask the Commissioner to open agenda item 5.b, because that wasn't opened and you are talking about conjunctively the ordinance and the Master Plan, so we should now open both items together, and then since this is a public hearing, it might be more orderly to go through the presentation, then hear from the public, and then have the discussion.

Commissioner Barcus then also opened the hearing for consideration agenda item 5b.

5. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES:

a. Discussion/possible action regarding a recommendation to the Sedona City Council regarding amendments to the Sedona Wireless Communications Facilities Ordinance, Sedona Land Development Code, Article 17, Wireless Communications Facilities, to be consistent with changes in federal regulations, (continued) and

b. Discussion/possible action regarding a recommendation to the Sedona City Council regarding the draft Sedona Wireless Communications Master Plan.

Anthony Lepore explained that you have either the name or the physical address of the location, and then on the right-hand side is the proposed type of infrastructure for that particular location, and you can see their suggestions for each of those locations. He then showed additional proposed types and noted that everything recommended has some element of concealment. Mr. Lepore then referenced the draft that they are currently working on for the Use Table and approval process that was previously mentioned regarding the different levels of review that different types of infrastructure in different locations would go through. From the key at the bottom, you will see that A is Administrative Permit, C is a Conditional Use Permit from the Commission, C-2 is a Conditional Use Permit from the City Council following your recommendation, and N is not permitted. The sites in the Master Plan are administratively approved, as long as they follow the design elements, etc., that they have prescribed in the Master Plan. Everything else is either conditional or not permitted, and then working through the same hierarchy and the different levels of review that will go into that. Since we want to encourage replacement of an existing non-concealed tower with a new concealed tower, that would be administratively approved to encourage that level of development, and that is all of the draft Plan right now, and the C-2s are those non-concealed infrastructures that was last on the hierarchy, because you want to make that the hardest thing to do.

Commissioner Cohen referenced item #42, Sugarloaf Trailhead, and indicated that most reporting back to the Commission from the residents is on the Sugarloaf Trail, so he asked where on the parking lot you are proposing to put it, so the Commission has a better idea as we look at this and try to deal with the concern of the Sugarloaf people.

Susan Rabold explained that the concern with this area is that they know there is going to be a gap in that area, and in trying to determine the solution for that, you have this particular piece of property and a number of utility poles in and around the park, and if the site is removed, then the

only alternative is for them to go on those right-of-way poles, so that was why they were trying to come up with a solution for use of this public space as a way to offer to the industry another option besides the use of those utility poles. She is hopeful that when the industry comes in, they won't just pull their House Bill card and just come in for permits. She is hopeful that they will want to talk with the City about their plan, so you will have the opportunity to encourage them to use a variety of deployment methodologies, but if you remove this property, which you certainly can do – she appreciates the perspective of how that property could be used by the industry and she doesn't want to discredit the concerns, she just wants to be clear that if you remove it, their only option becomes the right-of-way poles. If you leave it in, you have some leverage and as the property owner, you could negotiate any space. If you want to require them to go in a specific area, you can target that and put it in the Master Plan to alleviate any concern that it would go anywhere but that location. If they want to go somewhere other than that particular location, they would have to come back. The initial thought was . . ., but it could be wrong, because we don't live here, but there is an existing weather or water measurer as you enter the park and go to the left, and there is an existing pole that she tried to capture in the middle picture, and one idea was to do some sort of small cell in that vicinity. It doesn't have to look like the picture; you have flexibility on the type of small cell. Another idea was, in trying to prevent any additional paving or land disturbance, that as you enter the parking lot, there is a bit of disturbed area to the left, and that might be an area where you could put in some type of faux tree or small cell. That was the area they thought would have the least amount of land disturbance and it was in the vicinity of a piece of infrastructure that was already characteristic of a pole. Again, you can designate that and if you disagree that is fine, and if you want to pick another area, you could do that or take it out of the inventory.

Commissioner Cohen asked if we followed your suggestion to put it on the thing that is there . . ., Ms. Rabold interjected that it would be near it; she doesn't think you could go on it, but it could go in that vicinity. The Commissioner then asked what the noise of the compressor-like sound would be and if the noise is constant. Ms. Rabold stated that she would have to look into that, but she has been to a lot of tower sites, and the generators do not run 24-7. In an urban area, the generator will typically cut on if it gets too hot or if the power goes down, because they are intended to be back-up power units. In rural areas where they are dependent on fuel, power generators will cut on and off more frequently, and the larger the facility the larger the generator will be. For a macro site, it is going to be very similar to that of a generator that you would use for back-up power. On the small cell, they had unit running for cooling at a facility, and you could probably go by to hear the sound, because it would be very characteristic. She did not notice it being on until she got up next to it, so when she was at that site, she didn't hear it until they walked into the area where the equipment was, and then she realized it was on, but that is almost arbitrary, because it is her opinion against someone else's, and she would rather find out the industry standard and report back to you what the decibel is to give you more concrete factual information than just her observation. She doesn't like to work in grey areas, so she would prefer to come back with that information.

Commissioner Brandt stated that he was at the site this afternoon at 2:00 p.m. and 90 degrees, and it sounded little a residential air conditioning condenser, maybe a little bit louder. He then asked what the shortest faux tree available is, and Ms. Rabold stated that she has seen them at 30 ft. The Commissioner noted that he has only seen them at 60 ft. or whatever. Ms. Rabold indicated that she has seen them in Colorado at 30 ft., and she showed a picture of one that might be at 45 or 50 ft., and indicated that might be the shortest one she has actually seen, but they can make them at 30 ft.; she has seen plenty of palm trees at less than 30 ft.

Commissioner Cohen asked if it is 30 ft. can they automatically add 10 ft. to it, and Ms. Rabold explained that they would have to be able to meet the substantial change criteria and in this instance, because it is not under the House Bill, they would have to maintain the same level of concealment for it to meet that definition of substantial change. If it does not meet that definition, then they cannot do the expansion.

Commissioner Cohen then asked if the City determines the definition, and Mr. Lepore stated no, that definition is federally defined and it is pretty comprehensive as to what constitutes a substantial

change under the federal rules now, and as long as they are under that threshold, then they are allowed administratively to collocate on an existing facility, but one of the key elements of the definition is that you cannot destroy the concealment effects of the existing facility by adding onto it. If you do that, it changes it from insubstantial to substantial and once it becomes substantial, it is no longer an administrative approval and it is back to a zoning review, Conditional Use Permit process. Ms. Rabold added that the Commission makes that decision.

Anthony Lepore then indicated that, lastly, he mentioned that when things come forward for consideration and the applicant's expert is telling you A, you want to make sure you have some compelling evidence either verifying or disputing what the applicant is proposing, so part of that is included in the review process that is being built into the ordinance for you to have an expert review available to you, where the engineers have reviewed the applicant's submittals and either confirmed them or disputed them and provided you an opinion as to whether or not the applicant's position is justified, and if it isn't, offer alternatives for you to propose to the applicant, to say did you consider X or Y or Z before coming to us with this, so you are not wondering if you should accept the applicant's word. Part of the process is to give you that factual basis to be able to ask questions of the applicant and make an informed decision. Ms. Rabold added that regarding the sound from the small cells; that is the expectation that it would be in the right-of-way as well, so they would have that same sound in the right-of-way and she doesn't think you can regulate that, because that is a zoning piece, but we will look into it. Mr. Lepore commented that he wondered if sound could be part of the design standards, and Ms. Rabold noted that they are brainstorming as to how to help with your right-of-way, because it is not just specific to Arizona.

Commissioner Klein referenced the papers prepared by staff that refer to the 47 U.S.C. §332 that deals with mobile services, and part of that statute says under (c)(7) basically that.no state or local government can regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions. The Commissioner then asked what happens if some company wants to put up a cell tower, how do we know their tower complies with the allowable amount of emissions that the Federal Government says they can have? Code of Federal Regulations, Section 1.1310 deals with radio frequency radiation exposure limits, but it doesn't mean anything to him; he doesn't understand any of the numbers, but he thinks it is saying that these are the levels at which the Federal Government has concluded that these things aren't harmful. He found a very interesting article written by some law firm that specializes in cell tower law, and in that article that is a few years old and doesn't have all of the cases in it, it talks about how the City of San Francisco did a study and sampled 100 cell towers and 40 of them put out more radio frequency emissions than are allowed by the FCC. The attorney who wrote this paper represents a lot of municipalities, and he talks about some ideas of what you maybe can do with your zoning laws to deal with this issue. In this article, he cites that there has been at least one federal court case that has held that as part of the local zoning approval process, a municipality's Board of Health could inquire about RF emissions and require the provider to explain its RF study for the site, so as to ensure the FCC's RF emission standards are met.

Commissioner Barcus asked if that could be framed in terms of a question, and Commissioner Klein asked if we should be putting something in the Land Development Code or the Plan to ensure that these companies that are putting up additional cell towers or collocations comply with the FCC requirements on how much RF exposure they can put out. Mr. Lepore pointed out they have written that into the proposed code regulations to require the applicant to certify compliance, because that is what the Federal Government said you are allowed to do. You can request the applicant to certify that they are compliant, and in constructing the facility, they also have to use type-accepted equipment, which means the FCC labs have tested the equipment and the RF levels, which is why the equipment is deemed to be type-accepted, so as long as you spec that equipment, you have achieved compliance with the FCC regulations regarding RF emissions. You can require the applicant to certify that they are constructing in compliance with the FCC standards, but the FCC and federal courts have said that is the beginning and end of your inquiry, when it comes to RF.

Commissioner Klein asked where that is in the materials, and Mr. Lepore stated that it is in the draft LDC, where one of the submittal requirements is that the RF emissions shall comply with the FCC standards for such emissions. Commissioner Klein again referenced the article and indicated that the attorney talks about some things a municipality might be able to do, and one would be to require cell providers to provide information, especially on towers with collocation, because when you are collocating, there is a greater chance that you will have RF levels exceeding the FCC requirements, and you can require cellular providers to provide information on projected radiation and whether the standards for categorical exclusion are met, and if so why -- requiring the provider or an independent party at the provider's expense to make periodic measurements for compliance with FCC rules. The Commissioner then asked if that is in the papers prepared, and Mr. Lepore stated no, it was tried in Maryland and summarily shot down, but one thing that they could add is, in the case of both new installations and collations, that the applicant not only certify but provide the basis for their certification. In other words, they can state that they are using type-accepted equipment, or if they are not, how they achieve their calculation of RF emissions from the equipment they are proposing. He doesn't see any reason why that could be challenged.

Commissioner Klein indicated that when the public spoke at the last meeting, most of the discussion was about their concerns about health risks of these antennas and towers, and we should do everything we can to ensure that cell towers or collocations comply with the FCC requirements, because that is about all we can do to alleviate their health concerns. We can't deny a placement based on health concerns; Mr. Lepore stated that is correct. Commissioner Barcus then asked Commissioner Klein if we could ask them to put that certification language in the document, and Commissioner Klein stated yes, we would want that in the Land Development Code or the Wireless Master Plan. Commissioner Barcus then stated that wherever it is appropriate, let's insert that.

Commissioner Cohen stated that all mechanical and electrical equipment breaks down over time, and he then asked how we ensure that over time these items are still within the FCC Code, and what are our policing opportunities? Mr. Lepore explained that 'policing' you don't for RF purposes; it is field preempted by the FCC, which means you have no jurisdiction to do anything about it, and the Supreme Court has said that. Commissioner Cohen then stated that 25 years from now, we don't know if it is working properly or exceeding . . ., Mr. Lepore interjected that if it is not working properly, it typically means that it has stopped radiating. Commissioner Cohen said he is concerned about over-radiating, and Mr. Lepore stated that is extremely unlikely given how the equipment works.

Commissioner Klein again referenced the article and indicated the it says the municipalities can encourage use of cable-based microcell PCS, also known as Distributed Antenna Systems or DAS, which uses a cable system and no towers, to provide cellular service. Mr. Lepore stated that is not accurate; you do need towers and you also need . . ., he just did the math for New Canaan, Connecticut, which is roughly your size geographically, and you need almost 200 miles of fiber and it was $30 million for the fiber and another $30 million for the DAS nodes to cover their rolling hills, so it was about $60 million, because they have the same concerns and wanted to see if they could solve their problems with a DAS network. Unless you are a very small municipality like Wellington, Florida where it is flat and small, so they were able to do it, because they had the fiber backbone, but if you don't have that and you don't have the geography and terrain issues that you have here, you maybe could do it, but absent sufficient fiber, it is not a practical and economic solution. You are not going to find an industry willing to spend that kind of money, and he doesn't know of any communities that want to spend that kind of money.

Susan Rabold added that the DAS network still needs macro towers – that is your base for your DAS network, and if you only promote the DAS network, you could be viewed as a barrier to entry, because you have to allow in a nondiscriminatory manner for the industry to deploy functionally equivalent services, so you can encourage it, which they have done in the hierarchy, but you can't require it and the DAS network is still RF; it is not RF exempt. Mr. Lepore agreed and stated that it just distributes it in a different way.

Commissioner Brandt referenced page 11 of the LDC draft under Location by Zoning District that says, generally no wireless service facility shall be allowed in the National Forest or neighborhood commercial district, and he asked if neighborhood commercial district is something that will be in the new Land Development Code or just something that still needs to be looked at. Audree asked Commissioner Brandt to restate his question, and the Commissioner indicated that under 1704.04A, Location by Zoning, it says, "Generally no wireless service facility shall be allowed in the National Forest or neighborhood commercial district." Audree asked if he is referring to the proposed code and the Commissioner stated yes, on page 11. Audree indicated that staff is not sure, so we will look at it and get back with the Commission. Commissioner Brandt then indicated that the second part of that is that no wireless service facility shall be allowed in any open space districts, except as provided in subsection 1704.04C, which is the table of what can be done administratively or by special use permit, and he wasn't able to find anything in that as far as relating to that exemption. Audree stated that in the Use Table under Open Space, you will see several that are conditionally proposed as approved on city-owned property; however. Commissioner Brandt explained that the table is RS, RM, OP, GC, C-3, LRC, PD, CF and P at the top, but he doesn't see open space, which is OS, so that is something else to clarify. Audree indicated that she thinks the consultants have labeled Open Space as OP, which would be confusing for the Commission, because OP is Office Professional, so we will make a clarification.

Commissioner Brandt then asked why Japan and Italy are years in advance and if it is because of the use of small cell technology. Mr. Lepore stated no, and explained that it is because rather than build out their wireline network following WWII, they jumped into the wireless development sooner, because they didn't have the wired infrastructure that was great anymore, so they started on the path towards wireless a lot sooner than the United States. We had the AT&T monopoly until the Bells were broken up, so the wireline monopoly tried to hang on to their piece of the pie as long as possible and held back wireless until the 1996 Act, which is what jump started the wireless revolution, but that was 10 to 20 years after the rest of the world started down the wireless path. Ms. Rabold added that when we did start, we were using different operating platforms that were not universal and could not be shared between service providers, but they have since changed so there is more connectivity. In the Asian, European and developing countries, they used the same operating platforms, so they didn't have the hurdles that we had.

Commissioner Barcus asked for a show of hands from the audience; he has 19 cards and the Commission is going to take a 5-minute break, and we will decide how many minutes to allow each speaker, so he asked those who turned in a card and do not wish to speak to please raise their hand. There was one hand raised, and he indicated that he now has 20 cards.

Commissioner Barcus recessed the meeting at 5:00 p.m. and reconvened the meeting at 5:07 p.m.

Commissioner Barcus explained that the hearing today doesn't have anything to do with the example of the wireless tower at the Methodist Church in the Chapel area. We are talking about a Master Plan that has a hierarchy associated with siting towers. When an applicant comes to us, we will have a hearing and they will be applying for a Conditional Use Permit, and we will be taking testimony on specific towers at that time.

Audree Juhlin asked to clarify that based on Commissioner Brandt's questions about open space, we are going to make a number of changes to that Use Table in defining those land use categories in the next draft, and we are going to eliminate as a permitted use any facilities within the National Forest or neighborhood commercial, as well as open space, so those three will be removed from the permitted uses. We will also include, in the chart that shows if it is conditionally allowed or permitted, or Council approval required, those three land use designations as not allowed, so we will bring forward a better-defined list and clarified table.

Commissioner Barcus indicated that the Master Plan covers only inside the city limits; not any areas outside of the city limits, so we are only dealing with tower locations within the City of Sedona, and he noted that the standard for testimony at a public hearing is three minutes. If

someone else has testified on the point you were trying to make, please summarize that and you do not have to take a full three minutes.

Commissioner Barcus opened the public comment period at this time.

Michael Sepe, Sedona, AZ: Mr. Sepe wanted to draw attention to a study conducted by the National Toxicology Program under the auspices of NIH, which operates under the Department of Health and Human Studies. It was a two-year study that cost $25 million and was completed the beginning of last year. The preliminary findings have been issued and the study was done primarily to assuage concerns about health effects of RF. Unfortunately, it did the opposite and produced a very good correlation between dosage and the development of tumors of the brain and heart. These findings are online, they can be found very easily. It is an 87-page study that was released early, because the researchers felt a need to alert the public of the concerns. It flies directly in the face of the legislation of 1996 that basically says you can't talk about this. Effectively, it put a gag order on talking about this issue. One would wonder what would have happened if the tobacco industry had the foresight to write legislation that said you can't discuss lung cancer. What would the effect have been? The industry knows about this problem; they are ignoring it and hiding it, and it goes well beyond the FCC limitations, which are 100 times higher than in some countries, so we need to really consider how we are going to deploy 5G, which involves increasing the tower count by over an order of magnitude, without jeopardizing public safety. This is a public safety issue.

Commissioner Barcus reminded the audience that if you applaud, you will have to leave; there will be no demonstrations, no applause and no talking other than the speaker.

Dayle Dodge, Sedona, AZ: Ms. Dodge indicated that she is here because of the Sugarloaf Trailhead proposal, and she understands that this proposal is for cell towers and to try to make it so it at least somewhat looks decent for the City, and in that light, she encourages the use of those that look like trees, but also, if it is at all possible to have a height limit on the ones that are in public areas and forested. Like many of the people here, she is really concerned about the RF radiation and its effects on health, but not even just the health of people; we are talking about the health of the plan life, animal life and insect life. There have been studies where these electrical radiations are also affecting other parts of our community. If you start putting a bunch of cell towers in our natural areas, then you are also affecting those natural areas, not just the people who go into those areas. Sedona is known for its vortexes, which are electrical and magnetic – the same kind of power source that these cell towers have, and they will also be influencing the vortex and the energy areas of the City that we are so well known for, and those energies can be perceived by many people who live here, are called here and healed here, and even some of the healers who live in the City are so sensitive they actually feel them already, and she wonders what contribution all of these extra cell towers is going to do to the healing effects of this community. Lastly, the state taking over the cities' prerogatives on what it can have in the City is ridiculous and completely against the democracy of our country, but also who is benefitting? This sounds like the whole concept of having these cell towers already approved and you can't do anything, except try to minimize the damage of what they are going to do to how the place looks or to people being affected by it. Why is there such an allowance and no protests made about all of this corruption that is causing this to even be an issue to be addressed?

Richard Sacks, Sedona, AZ: Mr. Sacks stated that he has been an independent health scientist, research and experimental scientist for 50 years, and the concerns in the first two comments were right on target. These energies are a health concern and a public safety issue, and it was bought up that public safety is one area that is not preempted by law. He talked to one of the Harvard-recommended consultant's in this field that deals with wireless all the time, and she has a comment on the law, "Proponents misrepresent the Telecommunications Act of 1996. TCA is preempting all state and local regulation of wireless facilities", in other words there is nothing you can do, your hands are tied. "State and local governments are preempted only from regulating the placement, construction, modification of wireless facilities based on their environmental effects. Preemption includes neither health effects nor health sciences, nor is regulation of operations preempted in any

way". So, these things can be shut down; there is more about that. He has extensive documentation of the reality of the health effects; not the risks, but the damage, and anybody that wants it, he will try to give it to them for free. They can send a request to Ricard@lostartsradio.com. He will send it out as time allows, and he also wants to say in closing that this is a really surreal experience for him, having to say any of this stuff, because he knows he will be seen as completely crazy, and it seems similar to coming from 2017 back to the 1950s, when they were talking about cigarettes and saying oh, they are great for you and the heart attacks having nothing to do with all of the cigarette smoking that is on the movies and everything, and the doctors are going on national television and they belong to all of the great associations that everybody respects, and they are saying do it for your nerves, Camels are great, etc., so we are here talking about what the packages should look like and the colors should not clash, and he finds that a bizarre experience. It is like Mommy all of my friends are running over the cliff; I have to go faster, and he sees that is what is happening, so he hopes you will think about it.

Cheryl Fowler, Sedona, AZ: Ms. Fowler stated that she wanted to speak on the proposed tower on Jordan Rd. She lives across from the Heritage Museum, and most of her concerns have been addressed with the heath concerns. There have been many studies done, and she has one from the Journal of Chemical Neuroanatomy, and it discusses widespread neuropsychiatric effects including depression, and that was a journal study done from 2016. There is also a PubMed article about radio frequency radiation injuring trees around mobile phone base stations, which someone else also mentioned, and that study was in Germany and conducted in 2016. Aside from the environmental concerns her other concern is the impact it could have on the value of her home. Being so close to a tower, she is concerned that the value of her home will go down. Other things to consider about the value of people's homes and properties and the long-term damage and effects that could happen with the radio frequency emissions, and her other concern also was Commissioner Klein was talking about some regulation or an annual inspection for the radio frequency transmission, so we could at least monitor them.

Thomas Brennan, Sedona, AZ: Mr. Brennan stated that there is a certain amount of irony, he has his cell phone with him. First just a brief anecdote, in 1958, he was a little kid and watched their family doctor at their house trying to pump the dogs stomach, and then afterward, his dad and their family doctor were on the back porch having a cigarette together. They didn't die right away, the doctor died from lung cancer about 30 years later and his died from heart disease about 30 years later, so his point is exposure to RF radiation is on the same level as exposure to smoking cigarettes – it is pretty much the same level of risk. We could call it risk, but it is actually more like certainty that the social impact of the disease effect is a certainty. A lot of people here are speaking and offering ways to mitigate the effect and presence of the RF in our community and in our homes. One of the things we can do as a community is we certainly don't need to lie down and just accept it. There are ways that the community can mitigate the concern, and a primary concern is very few people have been notified about these hearings and about the proposal for the Wireless Master Plan, and there needs to be a very concentrated effort to notify directly as many people in the community as possible and get more community involvement. It is really important and needs to be done. He doesn't know exactly how the City would do that, but more can be done.

Barbara Litrell, Sedona, AZ: Ms. Litrell indicated that her first question is who cares about public safety, because we seem to put that on a back burner. You have not necessarily done that, but certainly the Federal Government is making cities do that and that really has to be challenged. Five years ago when she was on the City Council, community members came before them and challenged the coming of smart meters to Sedona. The City of Sedona did intervene and there was a lot of information brought to their attention, and they ended up with a good percentage of Sedonans who opted out of it, because they became aware of the health effects. She has heard a couple of analogies to the tobacco situation, and she was thinking the same thing that if your 18-year-old said he or she decided to start smoking, and the Center for Disease Control said you absolutely cannot say anything to them about the dangers of smoking, all you can do is decide on the priorities of whether it is filtered, unfiltered, long, short, menthol or maybe even an e-cigarette, that is a little bit of what we were doing here. She just challenges you to have your eyes wide open

as you go into this and take the yoke off of the Federal Government telling us what we can and can't do for the safety of our community. First, RF is cumulative, so putting in these cell towers is going to be added to all of the RF already coming from smart meters and their grid network all over town. The overwhelming evidence of the dangers of RF radiation are documented everywhere, and she can provide that to you at any time. Be skeptical of the FCC, the FCC Commissioner is a gentleman named Ajit Pai, and he is a former counsel at Verizon, so you have the fox taking care of the hen house. The FCC is run by the industry and this is all about money, and that is why they are putting a gag order on it. Tying the City's hands with a gag order is just not acceptable. It is overreach by the Federal Government; we hear about that in so many different situations, so why are we not hearing about that here. You don't have to follow a law that is wrong; she cannot believe that we would follow something that goes against the health of our community, and the burden of proof for the safety of these cell towers has to be on the providers, so when they come before you for a permit of any sort, they need to be able to provide independent scientists' information – not industry scientists, but independent scientists' information on the safety. She has to question why cities are not challenging this; they have to prove the safety to us or we have to ask who cares about the safety of the public.

Janine Jennings, Sedona, AZ: Ms. Jennings indicated that she just purchased a home on Farmer Brothers Road, and she agrees with everybody up here. It is extremely unusual that everybody up here is talking about health issues when the Federal Government says there are no health issues. It is a huge fight; she doesn't think Sedona by themselves can stand up and fight this with the Federal Government. It is a fight that somebody is going to have to do one of these day, and maybe Sedona can take a lead in it and other communities can get involved. It really is something that is eventually going to have to be addressed. Her main point today is that the purpose of the Master Wireless Plan is to incentivize some of these Telcos to put in towers that we like, agree with and are comfortable with in areas that we want. She doesn't think that we want to incentivize them to put it at Sugarloaf or the location next to it – A1 and A2, so when she says Sugarloaf, she means both of them. One, it is a big tourist area, two it is nature, and three, it is a small neighborhood right in that area that has smaller to medium-size homes that were built before zoning laws insisted on bigger properties. They are real close together, and there are a lot of families there, so since everybody is concerned about health and we are not allowed to say no, we don't have to say yes, put it there. We need to really take a look at where the options are, where the companies can put them, and where we are willing to do it. This is Sophie's Choice, we'll give up our son in order to keep our daughter; we'll give up one location in order to put something somewhere else, but it is not a good choice either way. She knows this is not a forum for her to ask a question, so she will make it a rhetorical question, she wonders why we need new towers in that area near Sugarloaf. It is the highest location on the map; it backs up against the mountain and the National Forest, and the neighborhood there is not growing in leaps and bounds. There are a few empty lots there, but it is not growing in leaps and bounds. They have cell phone coverage and there is cell phone coverage on Thunder Mountain, so if you are a hiker, you can get rescued. Another question, Mr. Klein brought up the actual compliance with some of the regulations about safety, so would there be some way for us to monitor those 20 or 25 years later, to make sure they are still in compliance, and if they are not in compliance, fine them and make them pay for the cost that it took to determine that they were out of compliance? Just a thought to keep them in compliance.

Karen von Merveldt-Guevara, Sedona, AZ: Ms. von Merveldt-Guevara indicated that she spoke last time and spoke in another meeting on smart meters, and she works in alternative medicine. She is a trained MD; her training is from Germany, and she is an International Member of the American Academy of Environmental Medicine. She left papers with the Commission last time, and the AAEM has for years issued statements and recommendations to the FCC with not much recourse about the non-existing safety of non-ionizing radiation. There is study after study out like everybody quoted, and she can only agree with Barbara Litrell and others who spoke before her. We are here to make choices that are no choice. She would like to know who determines what we need here, and she would encourage the citizens and the City to look at their own use of their cell phones and their own data flow, because it is our demand that drives the industry. There is a lot to do and a lot that we can do privately. The person that spoke here last time and said they had bad

reception, if you have wi-fi on your home, you are in charge of that router and can jump with your cell phone on your wi-fi, so many some people just lack the knowledge to work modern technology. The other point is that she knows the areas of high density are the target areas by the industry, but those tourist areas, the hotels and resorts, could do a lot more to facilitate the plugged-in wi-fi possibilities to help their customers, and the City of Sedona could set an example of promoting public health and safety, because she cannot believe that there are not laws that could overrule whatever the federal or state law issued, because it is limited in its consequences to just look at the wireless or the telecommunications industry versus public health and safety. There is a civil right to public integrity and that is at stake.

Dewey Akers, Sedona, AZ: Mr. Akers presented another 129 signatures out of the Sugarloaf area and indicated that the majority of them are from tourists who don't want to see a tower in that area. We have now put up a board on the street for tourists to sign-in with, so he would like to present you with those. Secondly, he invited each of you to come and meet with Tom O'Halloran this week, and he realizes it was the holiday and short notice, but it was a very informational meeting and a number of them went to his office in Flagstaff and spoke to him about this issue. He knows that you have been presented by Keep Sedona Beautiful information about taking Sugarloaf off of that list, which wasn't done in the initial 40 or 60 or whatever it was, but more importantly, we talked a great deal about 2365 and the legalities and challenges that have yet to be addressed. You are throwing your eggs in a basket that has yet to be proven. Also there is Mesh network, which you haven't addressed with your consultants, and that is why Japan and Europe are so far ahead of the United States, and that requires very little RF exposure, and most of the technology that AT&T, Sprint and all of the majors have currently -- all of the cell phones allow for that technology presently, so your resorts, hotels, density areas, should be providing their own access to that technology versus asking the rest of us citizens to pay for their conveniences. He would also like to ask that this Commission consider that this community has not been reached out to successfully or adequately, and the 42 people that you referenced in your Master Plan overview is certainly not an overview of the community, and he would ask that you consider tabling moving this forward to the City Council for further community involvement. He was going to ask about lease payments, but you addressed that currently.

Rich Helt, Sedona, AZ: Mr. Helt passed, and declined his opportunity to speak.

Reisha Akres, Sedona, AZ: Ms. Akres stated that she lives in the Sugarloaf area of Sedona, and it is with dismay that she sees that Keep Sedona Beautiful did a rather extensive study over a year ago with over 40 sites, and Sugarloaf was the number one site they suggested to be taken off the Master Plan, and now it is with dismay, she sees it is the number one site we are looking at. They looked at the needs of the community, residents and beauty of the area, and it has been kicked right off. Again, she recommends that we table this for further review, further decibel level, further looking to see if we can monitor to see the radio decibel outlook and how you can look at this and monitor it to look at the health concerns. Can we do that, can we look at the decibel level of those larger structures? We were looking at those trees at the Sugarloaf site; that is a huge structure and it didn't show the supporting structure. If you go to Flagstaff and see one of those trees, it has a monstrous building that goes with it, and if you stand beside it, the decibel level is huge when it goes off, so don't let them say that it sounds like a compressor; it doesn't, it is loud. She wants to look at that ongoing compliance with the radio frequency; how do we do that? Does the City have any way of doing that? To me, a fine is not enough; a fine is just a way for the City to make money; it doesn't protect us, and to answer that rhetorical question about why do we need it right there – we don't. What we need it for is the tourists who come there and want to take their selfies, and the buses that are coming from the resorts; they are the ones pushing it, and if the resorts are pushing it, why aren't we looking at the resorts to site these structures? We do need to extend the communications to the neighborhoods; we live in the Sugarloaf area and we were never notified. We really need to do a better job of community involvement, and we do have current problems with those poles that we're talking about adding onto. The wires on those poles are currently 3 ft. lower than federal standards and are currently in the trees, so if you're looking at putting high electronic frequency structures on them, you are going to have real problems.

Kevin Okie, Sedona, AZ: Mr. Okie thanked them for bringing up the studies, and wanting to look at limiting the RF frequency or at least having some oversight. He was going to say strike A1 and A2; obviously no one wants them in our neighborhood, but due to the House Bill passed by the State Legislature and the Governor that means they can put them on the power lines there, and one of those is in my yard, so saying strike A1 and A2 doesn't help anybody else in town either. If so much of the citizenry is opposed to this and if local government isn't a forum for beginning to discuss bucking or trying to look at laws that are a public safety hazard or that permit these kinds of large corporations to overrun smaller communities, this should be a forum where we can start to reach out to other communities, and form some kind of larger discussion here. He doesn't want to say strike A1 and A2, because that leaves everybody else hanging out to dry, and it sounds like the Master Plan – he gets the intentions, but it sounds like it is almost a moot point at this point. He is curious about whether there is incentive to even lease city-owned lands when they can build the tower for $50 a year somewhere else. Basically, he just wants to say that it sounds like the citizenry is saying this disturbs us to a great degree. He knows that it is federal law and state law and that our hands are tied, but we shouldn't be just rolling over and accepting that, and he would like to suggest that maybe we do start having a discussion about how we form some kind of resistance to this. Form some kind of effort to on a wider scale, because Sedona alone is not going to overturn a law, but start to have discussions about how we resist this, and it sounds like some communities have, but he just wants to leave it with that.

Randy Smith, Sedona, AZ: Mr. Smith indicated that he lives across from the trailhead, so he is just like this gentleman. For him to say that he doesn't want it in his front yard is something he is not going to say, but having it in that park; man, we are really missing the boat there. It is not that kind of park; he could see it in some parks, but Sugarloaf is a wilderness access. There are a great number of people that come there that can only walk a couple hundred yards; that is as far as they are going into the wilderness, a good share of the people. He doesn't think it would work to put a noisy box out there with a fake tree there, and he realizes that what we are trying to do here is not get things shoved down our throat, but he would think Sugarloaf would be the last place that we would want one, so to put it as A1 and A2 just doesn't make any sense. He agrees with all of the RF issues; he is on board with that, and then as far as the infrastructure is concerned, the power lines are too low and like who is going to do anything about that? He guesses the city people are supposed to be in charge of that, he doesn't know; they have been too low forever, so we will just leave them the way it is. The road, since 1977 or whenever it went in, is way in the wrong place. It is on my property; there is 6½ ft. of the current road that is his property, and he wasn't want to screw up his neighborhood by sticking a wall in the middle of the road, leaving you 11 ft. for your road. The telephone poles sit about in the middle of where the road belongs, so what happens if the cell companies come in and put a tower up there and the City decides that you need a road at Buena Vista? There are all sorts of issues up there.

Paul Kelson, Sedona, AZ: Mr. Kelson was not present when called to speak.

Commissioner Barcus explained that it is practice to not comment on statements made during the public comment, but he wanted to make sure everyone knows that the numbering isn't a hierarchy in terms of preferences; it was just for convenience, so these things could be found on the map, so there is no hierarchy in terms of preference.

Kirk Landauer, Sedona, AZ: Mr. Landauer stated right there at the hotbed of this discussion, primarily the Sugarloaf Trailhead. He forgot who made the quotation, but it is rather appropriate at the moment. You should be the most scared when the Federal Government says we are here to help you. If this is any indication of a stalking horse, a Trojan horse or whatever you want to call them coming here to sell you and us a bill of goods that we need this. How many people are coming to Sedona in the next five to ten years? Are we going to double the inventory of residents? If they are here, maybe it is the high rises that they are going to put up. There is no place for anybody to go; this town is pretty close to buildout – what a couple hundred undeveloped lots? That's it unless you start compromising the BLM land to developers and all that nonsense, and he has lived through that in other neighborhoods. Please wake up, we don't need it. When is enough,

enough, and somebody, and this is just the right jurisdiction, draw the line in the sand. Enough is enough; tell the feds to go . . ., and he has five bars in his front yard; he doesn't need any better service than that. It is a canard; pay attention.

Barbara Kiefel, Sedona, AZ: Ms. Kiefel indicated that she also resides in California, and in regard to all of the good things that were said today, she appreciates the community in particular that has come out to talk about this. She will bring up some key points. In relation to the Council here in regards to Federal law, there are lots of laws that are on the federal books that mean nothing and they are not imposed, so don't think that is a reason why we have to move forward. Please, to her community, take the time to call your legislators and advise them that this is not something for Sedona, Arizona, and that we need to fight it. Number two, the beauty of Sedona; keep in mind that this Council and many people in the community spent millions of dollars to improve the view that goes on in just one area, just that major bridge. There was a height requirement for lights, but yet, you want to affect major neighborhoods with appalling looks, and keep in mind, just because it looks like a tree, doesn't mean that it belongs there – it is not nature. There is a site, check it on Google, called '15 Horrifying Looks of Trees' that are cell phones disguised as trees. You look at them yourself and tell me what you think; that is not something that will fool anybody. Number three, one approval opens up a flood gate. She also lives in a community in California and a local park agreed upon letting in Verizon to build what you called a 30-ft. tower, and it ended up being over 100 ft. and from the course of one year's time, we had five within that park. She has a photo of it, if you would like to see it after we leave here, of how huge these are and how they took away the natural beauty of the Santa Monica mountains. They do affect home values, in fact, that side of where she lives in Santa Monica has experienced over a 25% reduction in home value, because people do not want to stare at them. Health concerns, keep in mind that Europe definitely, as said tonight, they are definitely ahead of us in relationship to concerns of health. These particular emissions have not been tested, and it is in the future. We do not need them for involvement of having community or tourists coming to Sedona. People come to Sedona for nature; we want them to unplug. They can stay in their hotels and use wi-fi. There is still opportunity; she lives right on Orchard Lane and gets fine reception. She doesn't need a tower on Jordan Road staring out and taking down her home value as well as her neighbor's. Businesses are affected by what you consider to be free wi-fi. What takes a person . . ., keep in mind, McDonald's used to have free coffee all the time, but what they found in free wi-fi in different places like Starbuck's, was that people would sit for three hours and milk a cup of coffee for three hours. Our businesses don't want that, do you want that? If you are a tourist waiting for . . .

Commissioner Barcus advised Ms. Kiefel that her time was up.

Karen Shuman, Cornville, AZ: Ms. Shuman stated that she has worked in Sedona as a realtor since 1989, and what Sedona is known for throughout the world is its beauty. What she is asking you today is to take the Jordan Road cell tower off of the list, because Uptown, Jordan Road is at the base of the most exquisite mountain, Steamboat/Submarine Rock, and if you stick a cell tower there, she doesn't care how creative the cell tower people are in making them attractive, they are weird, odd and eyesores, and they hurt property values. They devastate what the City of Sedona needs to protect, and that is our beauty, that is what we are known for, so please take it off of your list.

Kimberly Lillyblad, **Sedona, AZ**: Ms. Lillyblad indicated that she appreciates what you are attempting to do, and she realizes that this is a challenging matter, so she does want to say thank you to everyone who is hearing her. A little side note, it would be greatly appreciated for 11 Newcastle Lane to be removed from the wireless plan list. She will go into more detail shortly, but first would like to express very clearly that the City is the entity that is proposing to put a tower in our private neighborhood, meaning without the City very more than likely, almost certainly, they wouldn't come to her neighborhood. We have very private rough roads; they are private and not city-owned, and all of her resident neighbors, not the City neighbor, but the resident neighbors are not interested in selling out, so she just wanted to make that really clear, and she wrote a letter, so she is going to read the letter; hopefully, within the time. Ms. Lillyblad then read the following:

"In regards to the proposed wireless tower site at 11 Newcastle Lane, the neighboring property at 70 Newcastle Lane is a historic property in this historical area. It was home to the salvage of the Call of the Canyon, a creek-side cabin, and Oak Creek Bait and Tackle. The historically designated Owenby Irrigation Ditch runs through the property and was incorporated by the previous residents, Kay and Clyde Tillotson. There is a tranquility here that is offered by the sensitivity of the area; the established wildlife reside in this area because of this sensitivity.

The lift station property the City is proposing for a 20-ft. wireless tower is in a valley on a mountainside in this historical area of Oak Creek. The property is near the creek, surrounded by established natural wildlife such as rookeries. It is next to the historically-designated irrigation ditch and is less than 100 ft. from my creek-side home and property. A historical creek-side home with irrigation is a rare and special place in the desert. This must be considered in accordance with Article 17, Wireless Communications Facilities, Section C, which states, 'Consideration of historical and environmentally-sensitive areas, as well as consideration of potential impacts on adjacent properties'. This article indicates that the City of Sedona is being negligent and has not in any way taken into consideration the impact of the proposed wireless tower on this historical creek-side area.

The geographical maps that were presented by the City do not represent what the coverage would potentially look like from the proposed sites. The mapping does not accurately show the actual amount of coverage that would be gained from these specific proposed sites. This came to my attention and was confirmed. It seems impossible for a 20 ft. . . ."

Commissioner Barcus advised Ms. Lillyblad that her time was up and she responded that she really needed to finish this. The Commissioner stated that she could give the letter to the clerk and Ms. Lillyblad stated no, she really needed to finish. The Commissioner stated, excuse me, but your time is up, please give the letter to the clerk, and she will enter it into the record. Ms. Lillyblad stated wow, wow, wow, and the Commissioner stated sorry, the rules are the rules.

Michael Sanders, Sedona, AZ: Mr. Sanders thanked the four Commissioners and those who had invested their time in creating this Plan; it is irresponsible not to plan, so thank you for what you have done; however, the difference between having the wireless community come in and impose a tower in our neighborhoods is very separate from feeling that the City of Sedona has invited them into a neighborhood, and that is what you are hearing from several residents today. You are hearing it strongly at the Sugarloaf Trailhead, and he is here to represent the Jordan Park as well as the others that have spoken, and as you heard before him with Newcastle, if they come in, we all understand federal and state laws prohibit you from stepping in their way, that is clear; however, what we are feeling is you are inviting them right next door to our home. What hasn't been mentioned about the health effects is that they are amplified with young children, whose skeletal structure is not yet developed. Their bodies are more absorbent to these RF emissions. He represents 200 people in his community, and he will be leaving a petition of 200 signatures. There are nine families with children under 5-years-old; that is a highly susceptible population. Those with young families are within 100 to 300 ft. of the proposed tower in the Jordan Park area. The Jordan Park site is a field trip site for our public school system. Growing up here for the past 30 years, he attended a field trip there as a young child. His mother has been a public school teacher in the community for 36 years, so your actions will have serious consequences on the trust of the community with feeling that you are inviting the cell companies into our neighborhood versus letting them intrude, then they are the villain, not our elected representatives. He also thinks there is a flaw in your site selection criteria. Primacy should be given to sites, which aren't in the immediate vicinity of residential homes, especially like the Joran Park area where there are families with young children right next door to the tower site. He knows for a fact that in the excluded sites in the Jordan area; there were several not in the immediate vicinity to houses. Those were eliminated, because of proposed view concerns or land obstruction, land disturbance concerns. He believes that is absolutely flipped given the health effects, which are still coming out and you are seeing, which have been submitted into evidence at the last meeting. Primacy should be given to sites away from homes. Again, thank you very much for your time. It is responsible to plan, but it is

more responsible to have criteria which models the community's interest, keeps these towers, which we understand will come, away from our homes, our children, and not inviting them right next to our homes.

Rebecca Torok, Sedona, AZ: Ms. Torok stated that she is near the El Camino proposed location. She became aware of this very recently, and she received a letter, because she is within 300 ft. of the proposed site, but for neighbors that are 350 ft. to 1,000 ft., there are no letters that have gone out to those neighbors, and we are talking about Sedona Meadows, Thunderbird Hills; neighborhoods off of El Camino. It is like a wraparound of neighborhoods around the pump station. Our neighborhoods are kind of behind. We don't have awareness over there of what is happening. These people live so close by this and they are not being informed by any kind of letter; she herself has just become recently informed of this and that she needs to take in up herself to go out and make those people aware, but she spoke with Karen Osburn, who sent the letter out that she got, and she declined to send those neighbors any kind of notification to people that are 350 ft. or 500 ft. away, and she feels her neighbors that heard about that, the people she knows and spoke to are very shocked by that, because it is not like a bread & breakfast 300 ft. away. You are talking about something that clearly will affect those people and, from their point of view, their health. The other thing is that she would like to know what timeframe we are talking about that these could potentially go in, because she would like to have the time – it is a down market, so she would like to have time to sell her house. She doesn't want to sleep within 300 ft. of a cell tower at all, so she would like to have time in a down market – homes taking two or three years to sell; she would like to know if it is going to go in before that -- could potentially go in before two or three years. Is there someone here that can address that?

Commissioner Barcus explained that the Commission is not allowed to respond to questions from public comment.

Ms. Torok then continued to say that the other things she would like to know is what the amount of microwatts per meter squared is for us and what their exposure would be. On El Camino, they are talking about a micro site and what does that translate to in terms of how many microwatts per meter squared? That is important for the neighbors to know. She would like to make them aware of that herself, even though she intends to sell her home. How can she find out some answers to those questions?

Commissioner Barcus advised Ms. Torok that her time was up, but she could contact staff and they can respond to her.

Kristina Paley, Sedona, AZ: Ms. Paley stated that she just had a brief request. Just like the previous resident who spoke, she found out by complete chance about this hearing from her friend who lives on Sugarloaf, so she does request that the Council disseminate this information to many residents around those 20 sites that you are proposing would be open to those cell phone towers, because it is a little bit unfair for us to have this room full of so few people, when a lot more people would be concerned; they just don't know, so please she requests that.

Having no additional requests to speak, Commissioner Barcus closed the public comment period.

Summary Discussion:
Robert Pickels suggested, regarding the process and given the hour, that these two items are posted for possible action on the public hearing agenda, but that doesn't necessitate that action be taken today if the Commission is not in a position to take action. You can simply take no action on those items, if you feel more time is necessary, but what he would caution is that we do have the consultants here today, and if you have specific questions regarding specific sites or anything that requires the technical expertise of the consultants, you should definitely take advantage of their presence today and ask those questions, but if you feel that another work session would be appropriate to more fully explore some of the discussion you want to have, that would also be appropriate, if you decide you want to do that.

Commissioner Klein indicated that he had a couple of more questions for the consultants, and going back to the issue of what we can do to determine that new collocations or cell towers are complying with the amount of RF exposure they are allowed to put out, he said one of the things we could do is require the provider or an independent party, at the provider's expense, to make periodic measurements for compliance with FCC rules. If he heard you correctly, you said there was a Maryland case that decided . . . Mr. Lepore interjected, County of Anne Arundel vs. FCC. The Commissioner then asked if that is what that case held, and Mr. Lepore stated yes, and for further support of the FCC rules on the issue, you can look at the cities of San Antonio and Austin vs. FCC, which is a Supreme Court decision from June of 2014. He thinks it is captioned San Antonio vs. FCC and Austin was the secondary city in it. They fought the battle that was advocated from members of the public already, and the Supreme Court ruled in the FCC's favor. Commissioner Klein then asked why the court ruled that once these were up you can't monitor them to determine if they are exceeding their amount of radiation. Mr. Lepore explained that the Court ruled was that the FCC had what is called 'field preemption' in this area and that local jurisdictions had no ability to overrule what the FCC has determined to be appropriate and cannot second guess the FCC's position on this matter. Commissioner Klein then stated that once these are put up something could happen and they could be exceeding the amount of exposure allowed by the FCC and there is nothing we can do about it. Mr. Lepore indicated that what the FCC has said is that you can file a complaint with the FCC.

Commissioner Klein again referenced the article and indicated that the author said that – well, he guesses that it is irrelevant if you can't determine that they are exceeding limits. This was answered but he didn't get to write it down, so where exactly in either the proposed Land Development Code or the Wireless Plan do we talk about what the providers have to provide us with, so we can determine that their towers aren't going to exceed the FCC requirements, and Mr. Lepore stated that there are a number of places where the part of the applicant's submittal package includes a certification from their RF Engineer that the equipment is type-accepted and does meet the FCC standards. The Commissioner asked if that is in the material, and Mr. Lepore stated in the draft LDC in a couple of places. The Commissioner then asked exactly where, and Mr. Lepore referenced 1705.01 subsection G and there is another location in 1705.02A, and he is going to propose as strong a language as the Supreme Court said we can impose there.

Commissioner Klein then stated that we shouldn't vote on this today, and if we have another meeting, could you put together a slide that will show what you are proposing in that regard. Mr. Lepore stated for the language, sure. It also is in 1705.04 in the draft.

Commissioner Klein asked what a Mesh network is, and Mr. Lepore explained that is another name for DAS network that he discussed earlier. The Commissioner then referenced a comment by the public that primacy should be given to sites not near families, and asked of these sites on the list, is there any way you can provide the number of houses within 300 ft. of each site. Mr. Lepore indicated that he doesn't know that they have that data; however, staff indicated that could be provided, and the Commissioner then asked that it be provided before their next meeting. Commissioner Klein asked why notices were only sent out to people within 300 ft., and Karen Osburn explained that is what the current ordinance requires for private providers. If they are siting a tower, they must notify within 300 ft., so we used the same criteria for our notifications. The Commissioner again asked if, for the Commission's next meeting, staff could tell for each of the 20 sites how many houses are within 300 ft., and Karen stated yes.

Commissioner Cohen stated that there had been a lot of questions raised today, and he is not prepared to make a recommendation to the City Council yet. There is some date that some of us have requested that he would like to hear before we go forward, so he would request that we put this into another meeting. He then asked if the Chair wanted a motion, and Commissioner Barcus explained that the consultants will not be back for us to ask questions . . . Commissioner Cohen interjected that is understood, but they have already told us they will provide information. Commissioner Barcus then stated that he would like to hear from Commissioner Brandt before entertaining a motion.

Commissioner Brandt stated that it appears that it is two to something in a four-member board, so it doesn't sound like we are going to make any recommendations tonight. When folks are talking about the City being more proactive in protecting the health, he thinks that is an absolutely fantastic notion, but as other people have said, our hands are somewhat tied, because of the FCC ruling and because of the way that the boards and commissions of the City of Sedona are set up within the rules of the state; we are set to these really narrow little paths of what we can and can't do. At the last work session, he also suggested that the folks that have the energy of bringing this together and of really challenging it, continue with that energy, but it is not necessarily the Planning & Zoning Commission that might be the best place to do that. He went to the American Cancer Society and they were kind of downplaying the concerns saying that it is more just actual distance from towers and it drops off real quick, and Dr. Andrew Weil from Tucson had similar statements that really they didn't find it to be that broad of a health concern. Two places that he respects with their official statements, but there is always something new coming out. It would be interesting to know from seeing the big towers that are on our professional safety places, the firefighters and EMTs have been dealing with wireless communications and have huge towers right over their heads; they live in those places all across the country and across the world, so that would be a good place to start to find out, and ironically, they are in the health business. For those in attendance and for everyone here, his thought is that the Master Plan and the proposed Land Development Code prohibit towers in the National Forest and in open space, so it seems that those places that appear to be National Forest recreation sites should fall into that same category.

Commissioner Brandt added that commercial use in a residential zone, he is having questions about, and a few people mentioned that we can't, as a city, say we can't have these things, and we have to provide for them within our ordinances, but we shouldn't encourage their use in certain places through endorsing them within planning, even though the City of Sedona is not setting up these towners and that is something some people seem to think that the City is going to be putting up these towers, but yet, having the Master Plan say these are the preferred locations is saying the City is endorsing these places, and that might not be the best thing. Someone mentioned in passing that in the canyon, there was a cell tower proposed in a certain neighborhood and the folks there protested and another place in the canyon said they would rather have it there in a commercial space, so that is where it moved to. Had there been a Master Plan that said that was a preferred location, then those people might not have had the sway within the cell phone companies to move that, so those are his thoughts and while he was ready to make a recommendation with an amendment to the recommendation to the City Council, it doesn't seem like it would be going anywhere, so he will just hold his thoughts and get more information as well as you folks will.

Commissioner Klein asked if the consultants are not going to be at next meeting, how they are going to get the Commission whatever you plan to put into the Land Development Code to toughen the language to ensure that the cell phone companies comply with the FCC requirements on the amount of exposure allowed, and Susa Rabold said that they will make the amendments as they understand them and provide it to staff, and then staff can get it to you.

Commissioner Barcus stated that he would entertain a motion; however, Audree Juhlin recommended that they date specific the motion, and the next available date would be Thursday June 29th, so we would continue the discussion to June 29th. Commissioner Barcus indicated that he would not be available on June 29th.

MOTION: Commissioner Cohen moved to table this discussion and perhaps the final decision to the June 29th meeting, so that we may get all of the data that we have requested brought to us, so we can study it more carefully.

Commissioner Klein asked if there is some date we could move it to when Commissioner Barcus would be present. It might be best if everybody could be present to make this decision. Commissioner Barcus stated that he would be available after the 4th of July, and there is no meeting scheduled the week of the 4th, because that would be our meeting date.

Robert Pickels explained that the motion could be amended to simply continue items 5a and b to a future date as coordinated by the Chair and the Director. Commissioner Cohen stated that as the maker of the motion, he accepts our attorney's suggestion.

AMENDED MOTION: Commissioner Cohen moved to continue items 5a and b to a future date as coordinated by the Chair and the Director. Commissioner Klein seconded the amended motion. Motion carried, four (4) for and zero (0) opposed. Chair Losoff and Vice Chair Levin were excused and Commissioner Mayer was unexcused.

Robert Pickels explained for the benefit of the public here today that when this item is heard again, it will be a continuation of today's hearing, so it won't be a new public hearing with new public comment; it will be simply a continuation of where we left off today. Commissioner Barcus then added that will be discussion among the Commissioners on the issues and we will have the minutes of this meeting at our disposal, and the Commissioners who were unable to attend today will have those minutes, and included in the minutes will be a transcript of all of the public comment, I think. Commissioner Cohen stated yes, they were in the minutes of the last meeting.

6. FUTURE MEETING DATES AND AGENDA ITEMS

a. Tuesday, June 6, 2017; 5:30 pm (Public Hearing)
b. Thursday, June 15, 2017; 3:30 pm (Work Session)
c. Tuesday, June 20, 2017; 5:30 pm (Public Hearing)
d. Thursday, June 29, 2017; 3:30 pm (Work Session)

Commissioner Barcus indicated that he received an email that the meeting on June 6th has been canceled and that has been noticed. Audree Juhlin agreed that June 6th is canceled, and the next meeting date is June 15th and we do not have any items for that meeting, and the same with June 20th. June 29th, if we are not having wireless is also available, so the next meeting we do have a scheduled item for is July 18th, which will be the Land Development Code discussion. Commissioner Cohen asked what would happen to the three she mentioned, and Audree stated that most likely those meeting dates will be canceled. Commissioner Klein and Commissioner Brandt indicated that they will be out of town on June 15th and Commissioner Cohen indicated that he had already notified staff. Commissioner Barcus reminded the Commissioners to send an email to Audree, who then indicated that for future meeting agendas, she will be sending out dates for the continuation of the wireless, so she asked that they get back to her as soon as possible with their available dates.

7. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
b. Return to open session. Discussion/possible action on executive session items.

No Executive Session was held.

8. ADJOURNMENT

Commissioner Barcus called for adjournment at 6:23 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on June 1, 2017.

_____ _____

Donna A. S. Puckett, *Administrative Assistant* Date