

September 9, 2019

VIA ELECTRONIC MAIL & FEDERAL EXPRESS

Spotsylvania County Board of Supervisors
9104 Courthouse Road
Spotsylvania, VA 22553
BOS@spotsylvania.va.us

*Re: Update to Board of Supervisors and Request to Reopen Record
AT&T Telecommunication Tower at 801 Maple Grove Drive (SUP18-0011)*

To the Honorable Board of Supervisors

This Firm represents New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (“AT&T”), along with SmartLink LLC, in its application for a Special Use Permit to build a telecommunications facility at 801 Maple Grove Drive, Fredericksburg, VA 22406 (the “Property”) owned by the Peace United Methodist Church (SUP18-0011).

As you know, a public hearing was held on August 13, 2019 to discuss this application, and the final vote was tabled until September 10th. The below letter (with enclosures) provides further evidence of the need for coverage and the community support for the proposed facility. I understand that this submission will be included in the public record. I respectfully request that the Board re-open the public hearing if it needs clarifying information about the coverage and enhanced emergency services that this proposed facility will provide. I hope the Board will consider these issues carefully prior to the final vote on September 10th.

Need for Coverage

There remains a significant need for wireless coverage in the targeted area, specifically along Plank Road, Maple Grove Drive and in the surrounding community. AT&T has enclosed additional and clarifying information and maps showing the pervasive coverage problems.

Non-Service Events:

A non-service event includes dropped calls, or a period of time during which a cell phone cannot connect to the network and is therefore unable make a call.

- AT&T has registered 25-100 non-service events each month in the residential areas surrounding the proposed facility.

- AT&T has registered 25-100 non-service events each month along Interstate 95 to the east of the proposed facility.
- AT&T has registered up to 1,000 non-service events each month in the areas along Plank Road to the north of the proposed facility.
- AT&T has registered up to 10,000 non-service events each month in the areas from the shopping centers to the north of the proposed facility.

Customer Complaints:

Between January 1, 2019 and July 31, 2019, AT&T received approximately 50 customer complaints from the area. The approximate area of these complaints is represented by red boxes on the first AT&T map enclosed. Fifty direct complaints in seven months is significant because only a small percentage of customers take the time to register network complaints. Typically, such complaints only occur when the problem is major and persistent.

These are significant problems that must be addressed, and will be resolved by the proposed facility.

Emergency/First Responders Network

These coverage deficiencies represent more than an inability to conduct business or call family and friends, these deficiencies could represent a citizen unable to call 9-1-1 in an emergent situation. More than half of the families in the United States have only cellular phones, with no “landline” in their home. More than 80% of 9-1-1 calls are made from mobile phones. Inadequate cellular coverage represents an inability to call for help.

This site will further enhance the emergency communications network in Spotsylvania County through the First Responder Network Authority (FirstNet). Following the recommendation of the 9/11 Commission, Congress established FirstNet to provide reliable public safety networks across the country and dedicated bandwidth for use only by first responders. The federal government entered into an exclusive contract with AT&T to provide FirstNet services, and FirstNet is only available where AT&T has sufficient wireless coverage.

Only July 11, 2017, the Commonwealth of Virginia became the first state to opt into the FirstNet National Safety Broadband Network. Since that time, every U.S. state and territory has opted in. Spotsylvania County’s public safety and first responder organizations rely on FirstNet for their emergency public safety communications and broadband network, and this facility will expand and enhance Spotsylvania County’s emergency network.

Community Support and the Impact of Peace United Methodist Church on the Community

At the August 13th hearing, the Board heard from a small, but vocal group of opponents to the proposed facility. The Board expressed concern about not hearing from any supporters. In response, the applicants reached out to the community. In just over a week a petition has garnered 104 signatures in support of the facility (90 online and 14 written). Additionally, we have received a number of letters and emails in support of the facility. Copies of the support petition and some of the community correspondence are enclosed for your review.

The opposition raised concerns that the church, a non-profit organization, would receive a financial windfall from the proposed facility without paying any taxes. This contention fundamentally misunderstands both the mission of the church and the terms of the lease agreement with AT&T. The lease requires the wireless carriers on the tower to pay taxes directly to Spotsylvania County. The idea that the church would receive a financial windfall from the facility is ridiculous. In addition to supporting its congregation, Peace United Methodist Church provides significant support to a number of charitable and community programs, including a food bank, shelter, the Boy and Girl Scouts of America, and Alcoholics Anonymous. The vast scope of the charitable contributions the church makes to the community is set forth more fully in the enclosed letters. In other words any proceeds received by the church will be invested directly back into Spotsylvania County.

Concerns Over Peace UMC Preschool

A handful of speakers also raised concerns over a tower in proximity to a nearby preschool. What was lost in the August 13th hearing is that the school in question (Peace UMC Preschool) is ***owned and operated by Peace United Methodist Church***. The church did extensive research into the potential health effects of a telecommunications tower, and it has no reservations about any adverse effects on the school. The preschool's director provided the enclosed letter, which states that the parents of children at the preschool have been fully informed about the proposed facility, and have not expressed any concerns. In other words, there will be no effect on the business of the church's preschool by the proposed facility.

AT&T's work on this started over four years ago. Based on significant input from the County and the community, AT&T has made substantial concessions, reducing the height, moving the facility closer to the tree line, and stealthing the facility with double-density pine branches. Following these changes, the County staff recommended approval of the application. The Planning Commission voted unanimously that the proposed facility is in compliance with the Spotsylvania County Comprehensive Plan and voted unanimously to recommend approval of the application. We respectfully request that the Board of Supervisors accept these recommendations and approve the Special Use Permit application.

If you have any additional questions or concerns, or need any clarifying information, please do not hesitate to contact me directly at 410-332-8661 or at Douglas.Sampson@saul.com.

Sincerely,



Douglas A. Sampson

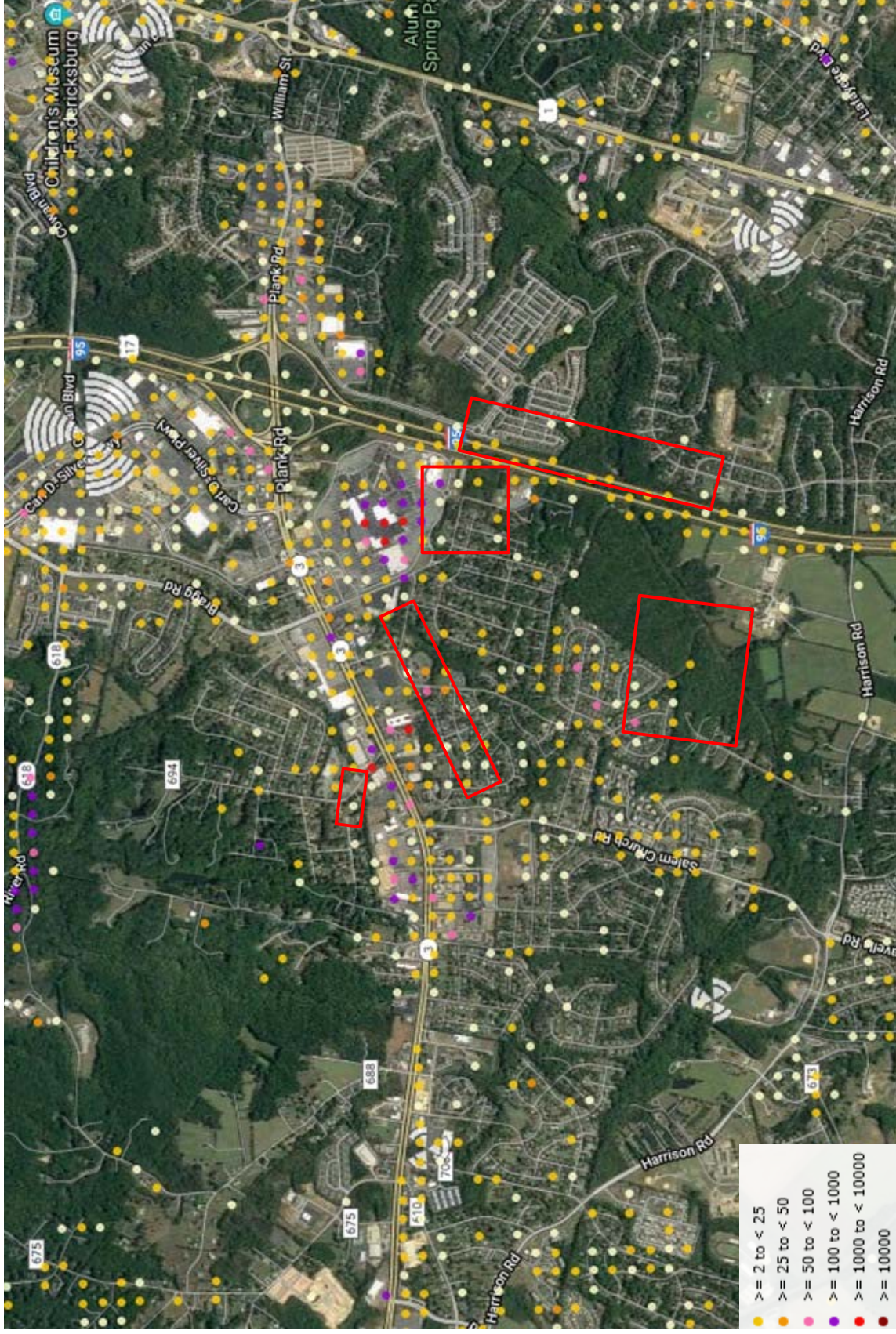
ENCLOSURES

1. AT&T Coverage/Non-Service Maps
 - Non-Service Events per Month
 - Customer Complaints (2019)
 - Existing AT&T Coverage
 - Proposed AT&T Coverage
2. FirstNet Information
 - FirstNet in Spotsylvania County
 - Press Release from Governor's Office re: FirstNet Opt-In
3. Community Petition in Support of Facility
4. Correspondence in Support of Facility
 - Letter from Dan Measell
 - Letter from Stephen W. Kerr
 - Letter from Rhett M. Lowery
 - Letter from Peace UMC Preschool
 - Email from Michael Steele
 - Email from Jim Wimmer

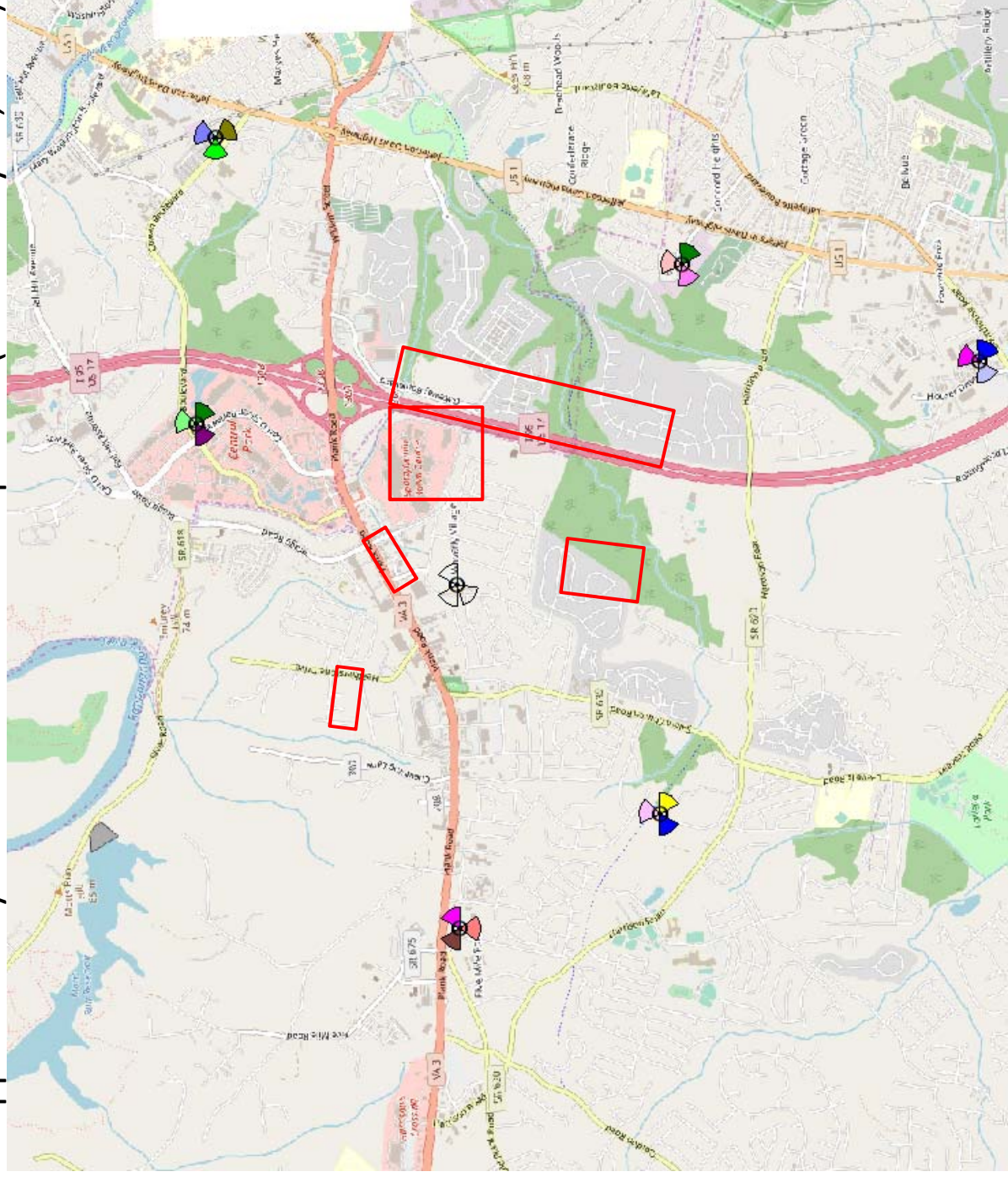


AT&T

Non-Service Events per Month (2019)

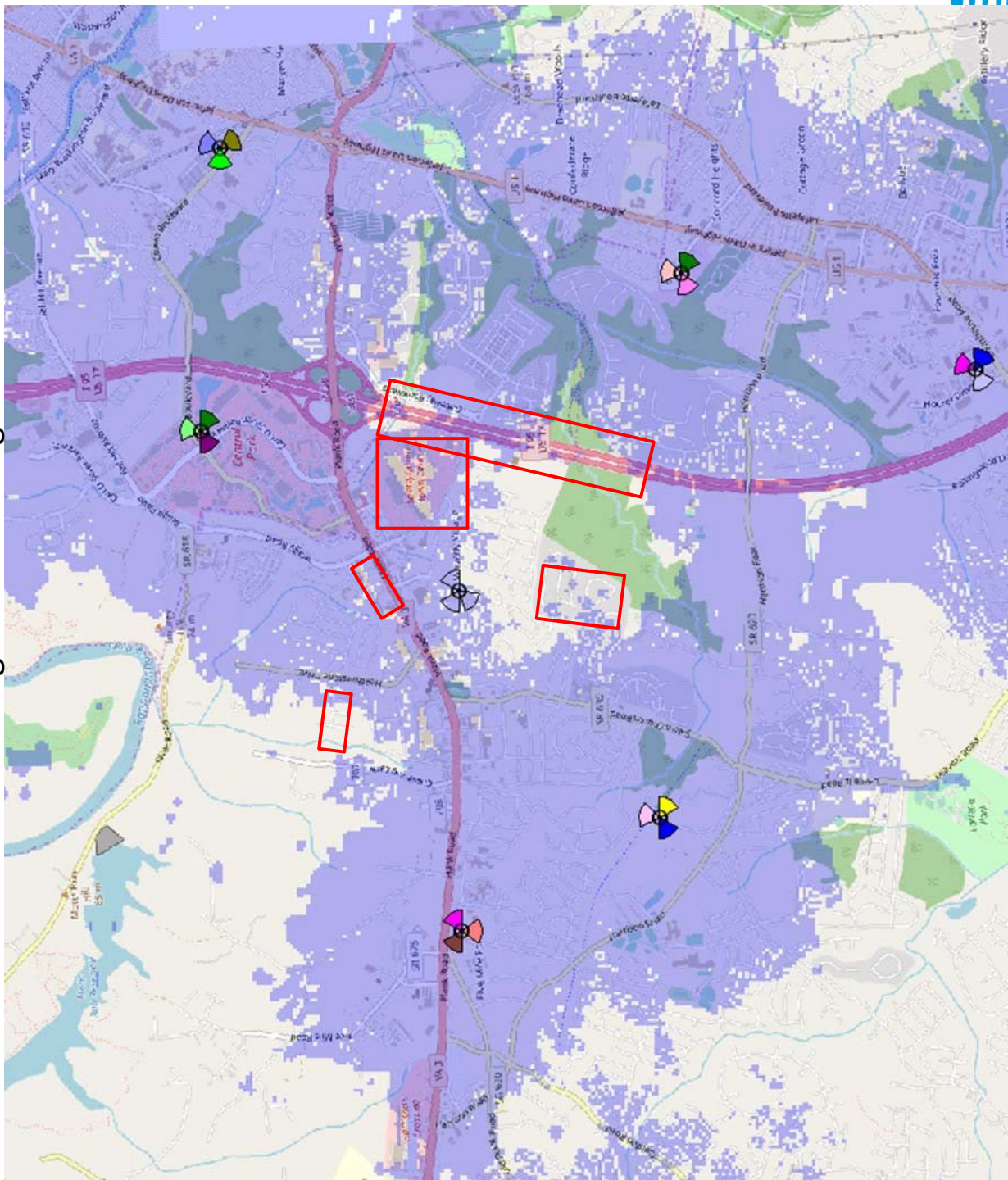


Approximately 50 AT&T Customer Complaints (Jan. 1 - July 31, 2019)

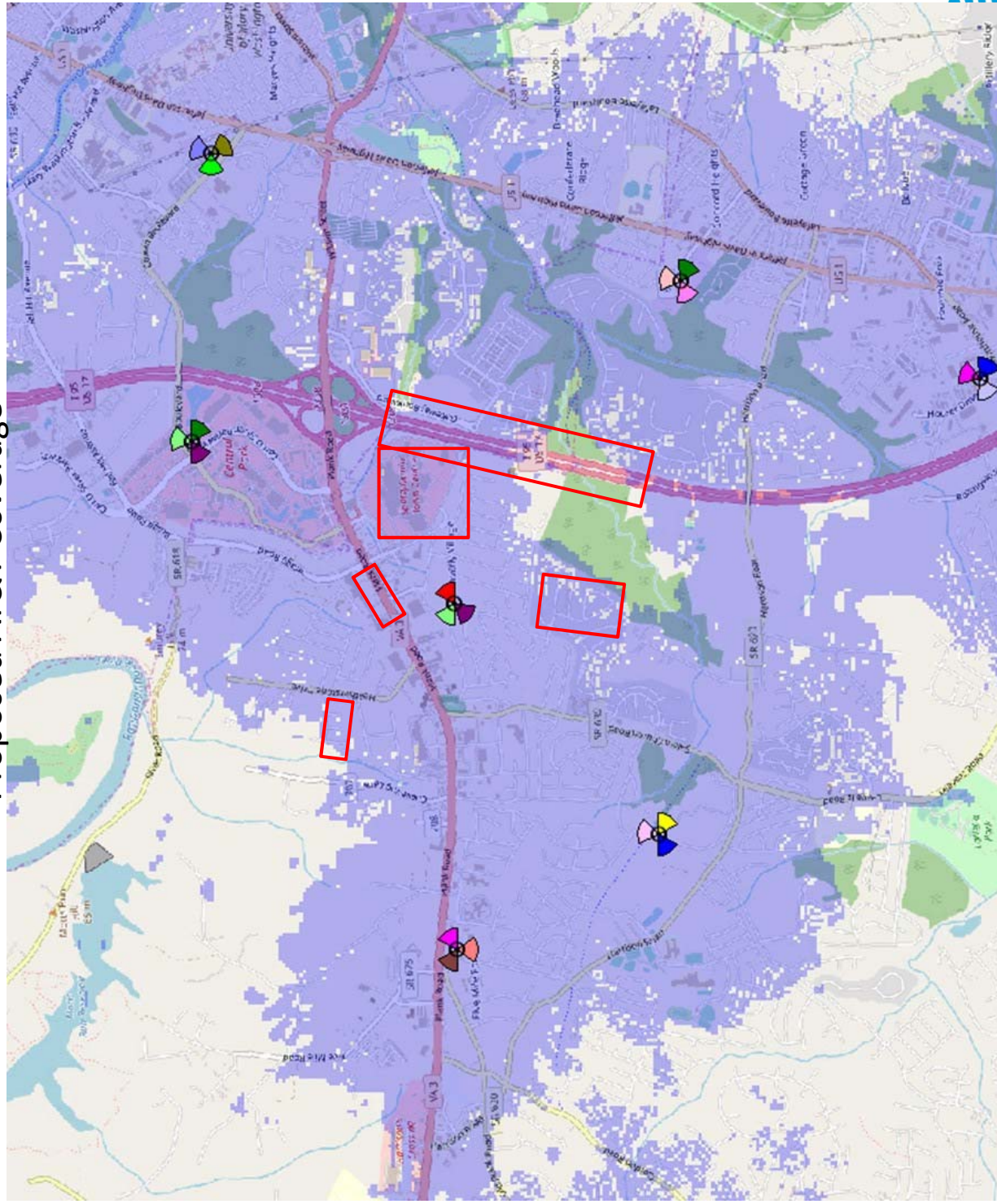




Existing AT&T Coverage



Proposed AT&T Coverage



FirstNet

Due to communications challenges during the response to the 9/11 terrorist attacks, the 9/11 Commission recommended the establishment of a single, interoperable network for public safety. For years, public safety organizations lobbied Congress to make this recommendation a reality. Therefore, when Congress established the First Responder Network Authority (FirstNet) in 2012, it based its mission on public safety's express concerns and desires.

To truly design the FirstNet network for public safety by public safety – a distinction that makes it unique in American telecommunications history – FirstNet continuously consults with local, state/territory, tribal and federal public safety agencies across the country.

Over the past several years, FirstNet has collaborated with public safety stakeholders and leadership from each state and territory. Never before has the public safety community had the opportunity to provide input towards the creation of a nationwide broadband network tailored specifically to meet their needs as they save lives and protect communities across the nation.

FirstNet in Spotsylvania County, Virginia

Currently most of the public safety and first responder organizations in Spotsylvania County rely on FirstNet for their emergency public safety communications and broadband networks. The proposed facility at 801 Maple Grove Drive will further enhance FirstNet services in Spotsylvania County and will provide for and improve public safety communications in the surrounding community.

Virginia Becomes First State to Opt-In to FirstNet's National Public Safety Broadband Network



Commonwealth of Virginia Office of Governor Terry McAuliffe

FOR IMMEDIATE RELEASE

Date: July 10, 2017

Office of the Governor

Contact: Brian Coy

Email: Brian.Coy@governor.virginia.gov

Virginia Department of Emergency Management

Contact: Jeff Caldwell

Email: Jeff.Caldwell@vdem.virginia.gov

Phone: (804) 896-6263

Virginia Will Become the First State to Opt-In to FirstNet's National Public Safety Broadband Network

~ Ceremonial event to take place in Reston tomorrow at FirstNet headquarters ~

RICHMOND – Governor McAuliffe today signed a letter of intent declaring that the Commonwealth of Virginia will allow the First Responder Network Authority (FirstNet) and AT&T to proceed with the deployment of the of the Nationwide Public Safety Broadband Network in Virginia. **Following today's letter signing, Governor McAuliffe will hold a ceremonial letter signing tomorrow at FirstNet Headquarters, 12201 Sunrise Valley Drive Reston, Va. at 1:30 p.m.**

FirstNet is the result of the 9/11 Commission's recommendation that a dedicated public safety interoperable, nationwide mobile broadband network be created to enable continued communication during a disaster or other large-scale event. The Governor's decision marks a significant step in the realization of this recommendation.

"I am proud that Virginia is the first state in the nation to opt in to this program that will help our first responders communicate during times of emergency," **said Governor Terry McAuliffe**. "While this is only the beginning of the process, I look forward to the continued coordinated efforts among Virginia, FirstNet, and AT&T to provide public safety officials with innovative new technologies that will help them keep Virginians safe."

"Public safety has spent years advocating for a nationwide network following the September 11, 2001 terrorist attacks, and today, Governor McAuliffe is helping to answer that call by joining the FirstNet network," **said FirstNet CEO Mike Poth**. "FirstNet will be able to put the technology citizens use every day—like smartphones and apps—into the hands of Virginia's first responders, modernizing how they help save lives and protect residents while creating a single, interoperable system across the Commonwealth and across the country."

Public safety subscribers to AT&T will be able to take advantage of priority service on AT&T's existing LTE network nationwide. Localities will have full local control to identify their responders and assign priority as needed based on the circumstances. By the end of 2017, public safety subscribers will also have preemption capability on the network, helping to further ensure their ability to communicate.

"Allowing FirstNet and AT&T to move forward with the deployment of the Nationwide Public Safety Broadband Network in Virginia moves public safety closer to the reliable, mission-critical broadband service that is needed for evolving threats," **said Secretary of Public Safety and Homeland Security Brian Moran**.

"I am extremely pleased that Virginia is choosing to opt into the network," **said Fairfax County Fire Chief Richard Bowers**. "Access to the network will provide us with additional tools to help ensure we can do our job when the time comes."

The Commonwealth will continue to work with FirstNet and AT&T and our local partners to provide feedback in order to ensure a viable network that will enhance public safety communications throughout Virginia.

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Charlotte Gomer
Office of Governor Terence R. McAuliffe
Press Assistant
Charlotte.Gomer@governor.virginia.gov

PETITION

As you may know, Peace UMC and AT&T submitted an application to build a telecommunications tower on a small portion of our property. This application is the culmination of more than four years of hard work, planning, and re-designing the site to minimize its impact on the church and the community. We have worked to reduce the tower height to 105 feet, disguised it as a tree, and moved it along the existing tree line to screen it from the surrounding area.

The proposed facility will bring needed wireless and emergency communications services to the area. The proceeds will be used by the church to maintain our facilities and better support our worship, education, and community-based outreach programs. You may remember that there is overwhelming support within the congregation for the cell tower.

Due to some pushback from a small but vocal group of community members, the Spotsylvania County Board of Supervisors may deny our application. The Board will hold a final vote at its upcoming meeting on Tuesday, September 10th.

We truly believe that this facility will bring improved wireless and emergency communications services to the area, and allow the church to increase and improve its community outreach through a variety of programs. If you agree, please sign this petition showing your support for this project.

Thank you for your continuing support of the church and its many beneficial community programs.

Printed Name

Address

Signature

Ann McKlveen	11002 Cedar Post Ln - Sptsy.	Ann McKlveen
Danette Metcalfe	27 Battery Point Dr. Fburg	Danette Metcalfe
Paulette Wina	6403 Southridge Ct	Paulette Wina
David B Witmer	11619 Joy Lane	David B Witmer
Rex J. D. Hopkins	801 Maple Grove 1408 Parcel	Rex J. D. Hopkins
SCOTT D HOPKINS	Fburg	

Printed Name

Address

Signature

EVELYN FORSTER 31 Aspen Hill Dr. Evelyn Forster

Robin Kerr 11315 Stonewall Jackson Dr. Robin R. Kerr

Stephen W. Kerr 11315 Stonewall Jackson Dr. Stephen W. Kerr

Nancy Clemens 8 Fletcher Dr. Nancy Clemens

Katherine Snodgrass 6363 Clarkmont Circle Katherine Snodgrass

Larry M. Snodgrass " " Larry M. Snodgrass

Jeffrey A. Martin 1411 Brimstone Dr. Jeffrey A. Martin

Jennifer Martin

JEN MARTIN 1411 Brimstone Dr. 274 ANDERSON DR

MARY B. Scott FREDGS, VA 22405

Mary B. Scott



Recipient: Spotsylvania County Board of Supervisors

Letter: Greetings,

Improve the telecommunications service in our community

Signatures

Name	Location	Date
Dan Measell	Spotsylvania Courthouse, VA	2019-08-26
Barbara Measell	Fredericksburg, US	2019-08-29
Lynne Slater	Fredericksburg, US	2019-08-29
Mary Heck	Spotsylvania, US	2019-08-29
Thomas Stevenson	Fredericksburg, US	2019-08-29
Rosa Guyler	Spotsylvania, US	2019-08-29
Donna Burgess	Fredericksburg, US	2019-08-29
noel metcalfe	Fredericksburg, US	2019-08-29
Christine Guyler	Rockville, VA	2019-08-29
Robert Harbick	Fredericksburg, US	2019-08-29
Jim Wimmer	Fredericksburg, VA	2019-08-29
Jim Rudisill	Locust Grove, US	2019-08-29
Erin Faulconer	Fredericksburg, US	2019-08-29
Averie Trader	Melbourne, US	2019-08-29
Dolores Heath	Rappahannock Academy, US	2019-08-29
Elizabeth Jenkins	Port Royal, US	2019-08-29
Delia Doiron	La Grange, US	2019-08-29
Nancy Thomas	Fredericksburg, US	2019-08-29
John Hall	Fredericksburg, US	2019-08-30
Perla Ibarra	St James, US	2019-08-30

Name	Location	Date
Ramon Sanchez	Fremont, US	2019-08-30
Tilly Abenak	Fredericksburg, VA	2019-08-30
ruby gil	Palm Bay, US	2019-08-30
Alicia Carr	Fredericksburg, US	2019-08-30
William Carr	Fredericksburg, US	2019-08-30
Kyle Gilbert	Fredericksburg, US	2019-08-30
Tina Stevenson	Fredericksburg, US	2019-08-30
Drew Nichols	Atlanta, US	2019-08-30
Ron Tiberio	Fredericksburg, US	2019-08-30
Joe D Derino	Gurnee, US	2019-08-31
Xavier Sanchez	Delano, US	2019-08-31
Thomas Cline	Fredericksburg, US	2019-08-31
Kathleen Steele	Fredericksburg, US	2019-08-31
Rhett Lowery	Fredericksburg, US	2019-08-31
Mary Anne Lowery	Fredericksburg, US	2019-08-31
Michael Steele	Fredericksburg, US	2019-09-01
Virginia (Jenny) Townsend	Fredericksburg, US	2019-09-01
PAUL TOWNSEND	Fredericksburg, US	2019-09-01
Ken Clemens	Fredericksburg, US	2019-09-02
Gregory Heath	Halethorpe, US	2019-09-03
Maureen Keeling	Fredericksburg, US	2019-09-03
Donald Greene	Fredericksburg, US	2019-09-03

Name	Location	Date
Betty Winn	Fredericksburg, US	2019-09-03
David Hall	Arlington, US	2019-09-03
Charles Barbour	Petersburg, US	2019-09-03
Lori McDonald	Conover, US	2019-09-03
Laura Johnson	Waldorf, US	2019-09-03
Stacey Lawson	Halethorpe, US	2019-09-03
Will Anderson	Dallas, US	2019-09-03
Don Shelby	Spotsylvania, US	2019-09-03
Petunia Magagula	Mountain View, US	2019-09-03
David Thomas	Fredericksburg, US	2019-09-03
Brian Johnson	Fredericksburg, US	2019-09-03
Christine Johnson	Fredericksburg, US	2019-09-03
XP Studios	Germantown, US	2019-09-03
Nancy Dussault	Fredericksburg, US	2019-09-04
Susan Marvin	Spotsylvania, US	2019-09-04
Adam Kaluba	Cincinnati, US	2019-09-04
Stephen Meyer	Spotsylvania, US	2019-09-04
Patricia Erickson	Fredericksburg, US	2019-09-04
Donna Stocking	Spotsylvania, US	2019-09-04
J Green	Fredericksburg, US	2019-09-04
Robert Brooks	Fredericksburg, US	2019-09-04
Jeanne Silvius	Fredericksburg, US	2019-09-04

Name	Location	Date
Luis Hernandez	Atlanta, US	2019-09-04
Lew Sherman	Spotsylvania, US	2019-09-04
Tyler Cowher	Sterling, US	2019-09-04
Jeff Standring	Fredericksburg, US	2019-09-05
John Weir	Ashburn, US	2019-09-05
James McDavid	Fredericksburg, US	2019-09-05
Penny Cline	Fredericksburg, US	2019-09-05
Donald Frenk	Fredericksburg, VA	2019-09-07
Lyndall Dally	Fredericksburg, VA	2019-09-07
Dana Meyers	Clearfield, US	2019-09-07
Connie Fry	US	2019-09-07
Jay Zhu	New Paltz, US	2019-09-07
Elizabeth Henry	Fredericksburg, VA	2019-09-08
Jennifer Phillips	Stafford, VA	2019-09-08
Yvonne Brazier	Spotsylvania, VA	2019-09-08
Melanie Edwards	Fredericksburg, VA	2019-09-08
Jennifer Toney	Durham, US	2019-09-08
Roger Poole	Fredericksburg, VA	2019-09-08
Donna Terry	Durham, US	2019-09-08
Erica Fairbanks	Raleigh, US	2019-09-08
Susan Tilley	Creedmoor, US	2019-09-08
Laurie Hawkins	Wake Forest, US	2019-09-08

Name	Location	Date
Jackie Hines	Franklinton, US	2019-09-09
Samuel Kwayisi	Fredericksburg, VA	2019-09-09
CC Chea	Chantilly, VA	2019-09-09



Peace United Methodist Church

801 MAPLE GROVE DRIVE
FREDERICKSBURG, VIRGINIA 22407-6826
Telephone: (540) 786-8585

September 3, 2019

Case Number – SUP 18-0011
AT&T cell tower at Peace UMC

Mr. Paul D. Trampe – Chairman
Board of Supervisors
P.O. Box 99
Spotsylvania, VA. 22553

Dear Mr. Trampe:

I am writing to provide the Board of Supervisors an understanding of the extensive due diligence Peace UMC performed in determining whether or not to enter into an agreement with AT&T to build and operate a cell tower facility on our property. To listen to the vocal opposition to this project, one might believe that is this a dangerous activity that will be an eye sore in the community, our community. We worked very hard to evaluate the risks and to minimize the impact of the cell tower on both the church and the community.

Over four years ago Peace UMC was approached by AT&T/New Cingular Wireless PCS expressing their interest in building and operating a cell tower on the east side of our property. We were skeptical in the beginning. Many of our team had heard about the potential health risks and problems with cell towers. As a result, we began an extensive research effort to determine if we even wanted to pursue this opportunity. The following is an outline of our work process.

1. We interviewed other Methodist churches that had gone through the process of assessing and then having cell tower facilities installed and operated on their properties. We learned about their experiences, the risks they addressed, problems working with cell companies, the impact on their church programs and membership, and the potential impact on their surrounding communities. We also wanted to know about the mistakes they had made. Based on this information we had a general road map for how to move forward and the pitfalls to avoid.
2. We hired a consulting company – Steel in the Air – to provide information, guidance, and expertise on negotiating and structuring an agreement with a cell company. This proved to be highly valuable as the church had little internal expertise and the lack of experience was cited by many of the churches we interviewed as a major mistake they made in structuring their agreements with cell companies. We gained information on pricing, contract features favorable to the church, problems to avoid, risks, etc.
3. Armed with the information from items 1 and 2, we started discussions with AT&T about the potential contract terms as we needed to define the opportunity before we could assess whether or not to take on this project. We eventually came up with the overall

parameters of what the business arrangement would contain, including income to the church, our responsibilities, the cell company's responsibilities, protections for the church, etc.

4. The next step was, given general terms of the transaction as defined in number 3, whether this opportunity made sense for the church. We had discussions among church members and the leadership and it was determined that there would be a benefit to the church from undertaking this project, but only if there were no health or environmental risks to the church or the community.
5. We performed a detailed review of the research that had been conducted on the health risks associated with cell towers. There is considerable misinformation available on this subject and it was somewhat difficult to separate what was false from what was true. Ultimately, we focused on government research and analyses from independent sources that pointed to the safety of cell towers. We reviewed the cancer risks from radiation and the spectrum of radiation frequencies and found that radio frequency (RF) waves from cell towers are low risk. Also, we found research and conclusions provided by the American Cancer Society to be very helpful. If there were a true cancer/health risk from cell towers, the ACS would be a vocal opponent to cell towers, which they are not. See the following link to read a summary report by the ACS - <https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html>
6. The fact that the church would have to live with the tower on its property, right next to the parking lot, for 25 years or more, the attractiveness of the tower became a major issue. We worked with the AT&T design team to come up with the most attractive tower possible. The double density monopine will help disguise the tower receptors. Also, we negotiated for extensive evergreen plantings around the facility fencing to hide the enclosure. In addition, we had major concerns about the removal of the tower when the contract ended and maintenance of the appearance over its life time which were addressed to our satisfaction.
7. Given all the above work we held internal leadership discussions over a long period of time to determine the interest in the church pursuing this project. This included assessing the benefits and the risks/problems with having a cell tower facility on our property. The cell tower team acted as an information provider to church leadership, not an advocate for or against the tower. Leadership finally moved to recommend that we pursue going forward with this project.
8. After further negotiation on the terms of the agreements with AT&T, we held a church conference to allow members discuss and then vote on whether or not they wanted the church to have the cell tower on our property. The vote came out 74 percent in favor. Following that vote we went to our district office of the Virginia Conference to gain their approval, which was given.
9. Through the later portion of the review and assessment process we used the services of a cell tower legal firm. They advised us on the final language and terms of the agreements that would control the relationship with AT&T going forward. Following the church conference vote, we began finalizing the language in the option and lease agreements. We went through further extensive negotiations on contract language to define the protections that were required to safeguard the church and the community

going forward. Key items included the removal of the tower facility, repair of damages to the facility, maintenance of the facility, controls on access, control of changes to the tower, etc. We believe the terms of our agreements with AT&T are the best possible and protect the church and the community against adverse actions or problems with the tower.

Throughout this long process, we worked to minimize the impact of the cell tower on both the church and the surrounding community. The proposed tower is the best we can do in terms of disguising it and the supporting enclosure.

The proposed facility will bring improved wireless and emergency communications services to the area. Revenues will be invested directly back into the church and will help it support many community programs, including its food bank and preschool, Boy and Girl Scouts, English as a second language, Alcoholics Anonymous, AlaTeen, and many more. Our church can do a lot of good with the income from this cell tower.

Sincerely,



Dan Measell
Chairman
Cell Tower Committee
Peace United Methodist Church

cc:

Chris Yakabouski, Battlefield District
Kevin Marshall, Berkeley District
Timothy J. McLaughlin, Chancellor District
David Ross, Courtland District
Gary F. Skinner, Lee Hill District
Greg Benton, Livingston District
David Dameron, County Planner

**AT&T – Peace United Methodist Church Proposed Cell Tower
SUP 18-0011**

To the Board of Supervisors of Spotsylvania County:

My name is Stephen W. Kerr and I serve on the Board of Trustees for Peace United Methodist Church. You will be taking action on our joint application with AT&T for a proposed cell tower adjacent to the church on September 10, 2019. I would like to provide you with additional background information about this application in light of the negative testimony presented by neighbors to the church at the BOS public hearing held on August 13, 2019.

AT&T approached the church almost five (5) years ago with a proposal to locate a cell tower next to the parking lot of the church. At first, the congregation was skeptical of the proposal for some of the reasons expressed at the BOS public hearing – e.g. radiation concerns and visual concerns. However, as representatives of the church continued to meet with AT&T, they were able to alleviate our concerns with the information presented by their engineers and other technical experts. The congregation was asked to vote on whether to work with AT&T on the project or walk away from it. The majority of the church congregation indicated that they would like the church to proceed with the application.

As a result of this decision, the church entered into a lengthy series of negotiations on a lease agreement that would meet the needs of AT&T but would also protect the church from unseen hazards such as the tower being leased to a subcontractor, abandonment of the tower, damage to the tower, etc. These lease negotiations were also reviewed by an attorney we retained, the Board of Trustees, and several members of the congregation with experience in church negotiations with cell tower companies (myself included).

In the meantime, a balloon test and citizen information meeting was held in December 2016 by AT&T and the church to provide citizens living in the subdivision an opportunity to review the proposal and provide feedback. A small group of citizens turned out and made some specific recommendations regarding the location and appearance of the tower and some came out to express their support for the application. Based on the feedback received, AT&T moved the proposed cell tower from the middle of the open land next to the church parking lot farther back toward a tree line bordering the property and also agreed to disguise the tower. The AT&T engineers also explained that cell tower signal transmissions are not in a concentrated signal like they were in the beginning of cellular communications (approx. 20 years ago) but are now in a much more disbursed pattern that does not cause any radiation concerns whatsoever.

After the citizen meeting, lease agreement negotiations continued for some time with the finalized lease agreement being executed between the church and AT&T in March 2018. The 50+ page lease agreement is extremely detailed and covers all envisioned scenarios of issues that could occur with cell towers. Included in the lease agreement is an enhanced landscaping plan that the church requested AT&T to agree to ensure that the cell tower equipment building on the property would be more than sufficiently screened from the residences across the street. I believe that this lease agreement goes far above and beyond the average cell tower proposal and is a significant plus for the county since it protects the church and the county from a wide range of legal and technical issues.

Once the lease agreement was completed, AT&T proceeded with filing the special permit application. The county application review meeting was held on October 11, 2018 and no significant issues were raised by the staff. At the meeting, AT&T was asked to provide information on how the tower would meet “First Net” emergency communications requirements (which they did) and to provide some additional graphics regarding what the mature vegetation would look like around the cell tower equipment building and how the tower would be disguised (which they did).

Due to the lack of issues regarding the application and the fact that AT&T had addressed all of the county concerns, the Cable Television & Telecommunications Commission meeting was cancelled. However, the county requested AT&T to hold a second citizen information meeting since it had been some time since the last meeting was held. The second meeting was held in February 2019 and approximately 20 people showed up.

There were no petitions against the tower and no one expressed any concern about radiation. AT&T set up information tables and people could walk around and learn the details about all aspects of the tower design, location, and operation. Some people also expressed their desire to get the project approved so their cell signal strength would improve.

The staff review and subsequent report on the special use permit application was positive. The staff found the application in conformance with the comprehensive plan and all applicable provisions of the zoning ordinance and recommended approval of the application. The Planning Commission held their public hearing on the special permit application July 17, 2019. Four (4) speakers showed up and spoke against the application citing radiation and visual concerns. Prior to making his motion, the Courtland District Planning Commissioner advised the citizens that health concerns and location are not permissible reasons for the Planning Commission to recommend denial of the application as they are controlled by Federal law and the FCC. The Planning Commission went on to recommend the approval of SUP-0011 by the BOS 7-0.

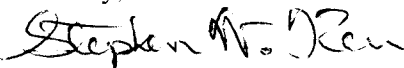
As you are aware, at the BOS public hearing held on August 13, 2019, six (6) speakers spoke against the application, again citing radiation and visual concerns, factors that cannot be considered by the BOS in acting on an application. One of the speakers mentioned they had a petition with over 100 names on it opposing the cell tower application. The vast majority of these people never attended either citizen information meeting as they would have learned that radiation is a non-factor in this application and there was never any petition presented at the citizen information meetings like the one submitted at the BOS meeting. What you had were some uninformed citizens that never learned anything about the application and started a fear mongering process by posting signs in the neighbor opposing the cell tower. Where were they when all of the review and discussion was going on two (2) years prior to this public hearing?

So, where do we stand now? Let me summarize the facts as I know them:

1. AT&T and Peace United Methodist Church have an airtight comprehensive lease agreement that protects the church and the county
2. AT&T and Peace United Methodist Church held not one, but two citizen meetings to give an opportunity to provide input and make changes to the application in response to the citizen input received
3. AT&T has agreed to provide "First Net" emergency communications technology on the tower to assist the county
4. SUP 18-0011 was determined by the staff to be consistent with the comprehensive plan and it meets all applicable provisions of the zoning ordinance
5. Staff recommended approval of SUP 18-0011
6. The Planning Commission recommended approval to the BOS by a 7-0 vote
7. Under federal law and FCC regulations, local governments cannot deny a telecommunication facility based on health concerns or the location of the telecommunications facility

The Spotsylvania County Board of Supervisors is not going to get a better cell tower application than this one. It goes far beyond the normal requirements and I urge you to approve this application.

Sincerely,



Stephen W. Kerr, Trustee.
Peace United Methodist Church

P.S. I served as Assistant Director of Zoning Evaluation for Fairfax County Dept. of Planning & Zoning from 1985 – 2000. During this time we processed thousands of zoning applications, including a number of cell towers. I empathize with your dilemma when dealing with citizen concerns – I heard about every citizen complaint you can think of. However, there are times when you just have to say "I'm sorry" to the citizens because you do not have any real legal reason to deny the application.



Peace United Methodist Church

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Telephone: (540) 786-8585

September 3, 2019

Paul D. Trampe, Chairman

Spotsylvania Board of Supervisors

P.O. Box 99

Spotsylvania, VA. 22553

Dear Chairman Trampe,

At the Board of Supervisors meeting of August 13, 2019, the issue of approving the AT&T cell tower to be located at Peace United Methodist Church (Peace UMC), 801 Maple Grove Drive, Spotsylvania, Va., was discussed. Some petitioners against the cell tower stated that the church does not pay taxes and thus attempted to paint a picture that the income derived from the tower would only benefit the church. This is naïve and uninformed information. I should like to set the record straight.

While the church does exist to further the spiritual needs of people who attend Peace UMC, the mission of the church is to be a "Light to the world for Jesus Christ." In fulfilling this ministry, we support many groups and missions in the Fredericksburg region, Virginia, and because Peace UMC is part of the greater United Methodist Church, the world.

Part of the income from the cell tower would be used to fund capital improvements to our facility such as parking lot paving, roof repairs, and such. We provide meeting space, free of charge for many groups outside of our church. These groups meet from weekly to monthly at our facility. The benefit to these groups of using our church is that we have ample free parking, meeting rooms, restrooms and they know that they can count on us to supply them with dependable meeting space month after month.

These groups include:

AA, Alanon, AlaTeen, and CODA

English As A Second Language (ESL)



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Boy Scouts of America and Girl Scouts of America

Dulcimer Players group

We also host birthday parties, weddings, and wedding receptions for which we occasionally charge a fee.

Missions that we support outside our walls to the greater Fredericksburg region and Virginia as a whole include:

Financial and volunteer support to the Thurman Brisben Center and to FredCamp.

Financial support to Heart Havens.

We fund and provide at no cost to the participants, a one week Vacation Bible School (VBS) during the summer for children.

We send missions teams to the ecumenical Appalachian Service project on an annual basis.

We provide new clothing and backpacks to students through the Fredericksburg region School Dressing Days.

We support National Night Out at Spotsylvania Mall.

We provide spiritual ministry to the residents of the Woodmont Center (formerly Woodmont Nursing Home) through singing and a pastoral sermon on a weekly basis.

Peace UMC maintains a food pantry that provides free food to approximately 100 needy families a week. We also offer utility assistance through the food bank to needy families as donations permit.

We provided the majority of the funding and coordinated a "potato drop" this past spring, where 40 tons of white potatoes were delivered by tractor-trailer to our parking lot and churches and groups from the Fredericksburg area, in cooperation with the Society of St. Andrew, bagged said potatoes. Regional food banks from NoVa, Richmond, Tappahannock and Fredericksburg, and local food pantries took all 40 tons and provided 100,000 meals to needy families that day.

Peace UMC held a "gleaning of the fields" in Westmoreland County in August and picked 17 tons of watermelons. In cooperation with the Society of Saint Andrew, those watermelons were distributed to needy families free of charge.



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We are starting a Stephen Ministry in our church to provide one-on-one care for persons going through difficult times. This ministry might be expanded on a referral basis outside our church in the future. see <http://www.stephenministries.org> for more information.

We also have a Peace UMC Preschool. This year's enrollment is 34 children.

As a member of the greater worldwide United Methodist Church, we support a host of worldwide missions including the Interdenominational Cooperation Fund, the Black College Fund, Africa University Fund and UMCOR (United Methodist Committee on Relief). UMCOR goes into regions devastated by natural disasters and provides long-term support. We fund help their efforts.

As you can see, Mr. Chairman, Peace UMC, provides a wealth of services to both our congregation and to the outside world, near and far. However, these services must be funded. We view the cell tower revenues as a gift from God, not to be squandered for our own selfish benefit, but to be shared throughout the local community and around the world.

Sincerely,

Rhett M. Lowery,

Chairperson, Peace United Methodist Church
Church Council

cc:

Chris Yakabouski, Battlefield District

Kevin Marshall, Berkeley District

Timothy J. McLaughlin, Chancellor District

David Ross, Courtland District



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Gary F. Skinner, Lee Hill District

Greg Benton, Livingston District

David Dameron, County Planner

September 7, 2019

To:

Spotsylvania County Board of Supervisors

Spotsylvania, Virginia

RE:

Cell phone tower build at Peace United Methodist Church

Dear Members of the Board,

Peace UMC Preschool, located at 801 Maple Grove drive, Fredericksburg, VA 22407 , has been upfront and honest with our preschool families regarding the building of the cell phone tower on church grounds. A letter was sent home to families in September 2018 notifying families of the pending build.

Parents and potential future families also saw the display of the person with the “balloons” located in the area where the cell tower would built during spring of 2018.

Neither of these events, the information letter nor the balloon, brought any questions or concerns forward from any of our parents.

The Preschool has researched and read the American Cancer’s report and editorial titled: Cell Phone Towers which was written and revised these dates: Last Medical Review: December 2, 2014 Last Revised: November 5, 2018

Peace UM Church and the Preschool take seriously the importance of protecting the children that are entrusted in our care during the preschool hours. We take knowledge and peace in the key points made in this article which included an excerpt from the EPA, stating:

<begin quote>“At very high levels, RF energy is dangerous. It can heat the body's tissues rapidly. However, such high levels are found only near certain equipment, such as powerful long-distance transmitters. Cellphones and wireless networks produce RF, but not at levels that cause significant heating. In addition, RF energy decreases quickly over distance. At ground level, exposure to RF from sources like cellphone towers is usually very low.

Some people are concerned about potential health effects, especially on the developing brains and bodies of children. Some studies suggest that heavy long-term use of cellphones could have health effects. Other studies don't find any health effects from cellphone use. Long-term studies on animals exposed to the RF found in wireless networks (Wi-Fi) have, so far, found no health effects. Scientists continue to study the effects of long-term exposure to low levels of RF.” <end quote>

From: Michael Steele <steelemf69@gmail.com>
Subject: Cell Tower Application at PUMC
Date: September 6, 2019 at 8:53:28 AM EDT
To: David.Ross@spotsylvania.va.us

Dear Supervisor Ross

I would like to add my voice to those in favor of the cell tower application at Peace United Methodist Church. My sincere hope is that all of the factual or legitimate concerns expressed by those opposed to the tower have been addressed. I'm sure that many similar objections were expressed and addressed when the tower was installed at Zoan Baptist Church on Rte 3. At the time of that installation I lived in the Creekside subdivision, one mile to the west. Traveling on Rte 3 the tower is now part of the scenery.

The providers' analyses project the future needs for coverage with increasing demand. They are based on facts rather than on emotion, and will help to address the service needs of all, even those who are expressing opposition.

Thank you in advance for your support of this application.

Michael F Steele
30 Year member of PUMC
Former Consultant, Center for Municipal Solutions
<http://www.telecomsol.com/www2/node/1>

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"The greatest tragedy is not the brutality of the evil people, but rather the silence of the good people."
MLK Jr.

From: Jim Wimmer [<mailto:wimmerjim@gmail.com>]

Sent: Thursday, August 29, 2019 5:11 PM

To: David Ross

Cc: Dan Measell

Subject: [EXTERNAL]:

Mr Ross,

I am reaching out to you to request your support and approval in the proposed cell tower on Peace Church property. Our congregation believes this will provide a community service and fully supports this project.

Best regards

Jim Wimmer

12519 Regiment Lane

Fredericksburg Va 22407

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This email was Malware checked by UTM 9. <http://www.sophos.com>