

# ATTACHMENT 1

**From:** Capers, Terry  
**Sent:** Thursday, December 27, 2012 4:23 PM  
**To:** Donna Rudolph ([pisco@nc.rr.com](mailto:pisco@nc.rr.com))  
**Cc:** Medlin, Steve; AgendaCoordinator  
**Subject:** FW: Request to Appear at the Work Session - Ms. Donna Rudolph

Hi Ms. Rudolph,

Thank you for your request to appear before City Council at the January 10, 2013 Work Session!

Per the 2012-2013 City Council Meeting Schedule, the City Council is not meeting today nor next Thursday, January 3, 2013.

If you would like to address the Mayor and City Council regarding your issues with cell towers in residential neighborhoods prior to Monday, January 7, 2013 City Council Meeting please feel free to email the entire City Council including the Mayor at [council@durhamnc.gov](mailto:council@durhamnc.gov)

Questions please let us know.

Thank you!

## Request to Appear Before The Durham City Council At the Work Session

Date:   
Session Date:   
Name:   
Address:   
Email Address:   
Phone Number:  Fax Number:   
Organization Represented:

**Topic:** Statement of presentation you wish to make and statement of action you wish Council to take.

We request permission to be on the agenda of your Citizen Matters Work Session Thurs. Jan 3rd (or Dec. 27th if it is not cancelled due to the holidays?) prior to your first 2013 meeting, Mon. Jan 7th. It is urgent to discuss with you actions by the Durham Planning Department which appear in conflict with City Council's recent directive and in conflict with state law. SITUATION REVIEW: At the City Council Work Session Nov. 8th citizens of 3 Durham neighborhoods protested the fast track approval of concealed freestanding cell towers in residential neighborhoods while disallowing notification and expressions of concern by the affected residents, a process permitted under Durham's existing Unified Development Ordinance. We explained to Council that our struggle for input started over the safety risk of placing a proposed Sprint Tower on NC 751 S. over two aging high pressure gas lines that run under 175 nearby households; then when our concerns were routinely dismissed by Planning as non-issues, we saw the bigger flaw--giving site permits

to corporations and non profits while ignoring affected residents was a prejudicial process sanctioned by the UDO; so the answer was-appeal to change the UDO for cell phone towers, specifically concealed freestanding. We were grateful that you acted for a process that would respect the citizens' rights of having input: on Nov. 8 you moved that the UDO be reviewed by the Planning Commission towards more citizen engagement regarding cell towers in residential neighborhoods. PROBLEM: From the revisions to the UDO proposed by Planning posted in the Durham Planning Commission Dec. 11 meeting, Planning has gone totally in the opposite direction from citizen engagement by "codifying" approval of concealed freestanding cell towers as the exclusive administrative authority of the Director of Development. Any discretionary power apart from the Director apparently dies with Planning's proposed elimination of the Development Review Board. Moreover, in the video of the Dec. 11 meeting, Planning personnel state that in any "quasi judicial" process (which will apparently still exist somewhere??) the only thing that can be deliberated on regarding granting permits (cell towers) is fact, and since the UDO "is all fact," "there's nothing to be said" (by citizens opposed to a site??). Documents submitted to Council and to us at the Nov 8 session show Planning's UDO is not compliant with North Carolina statutes (NCGS 160A-400 et seq.) which state that in the siting of Wireless Com Facilities, legitimate areas of local government review include "aesthetics, landscaping, a land-use based location priorities, structural design and fall zones," as well as "public safety issues" excluding radio frequency emissions. ACTION: We need City Council to explain to us how it can be that this change in the cell phone tower ordinance has boldly gone so far out of sync with citizen rights, state law, and your own directives, and then exert the needed damage control. Respectfully submitted, Donna Rudolph and Dolly Fehrenbacher.

***Attach additional sheets if necessary:***

Have you communicated with the Department Director associated with this matter?  Yes  No

**Presentation:** Will you be presenting a power point presentation or a video?  Yes  No

**\*Please note that you are permitted 3 minutes to speak and make your presentation.**

This form must be submitted to the Agenda Coordinator by **Monday at 5:00 p.m.** ten calendar days prior to the City Council Work Session meeting at which you wish to speak. Once this form is submitted, no further reminder will be given. Citizens may call the Agenda Coordinator's Office at 919-560-4222 to confirm receipt of this form.