

Small Cell Questions & Information

1. Was a needs assessment performed? *Yes.*
2. If so, who performed the assessment and when? *Assessments are performed by the carrier who contracts with Crown Castle for the installation of the small cell poles/nodes. Crown Castle is not at liberty to disclose the name of the carrier who has contracted with them to request this service.*
3. Please provide a copy of the assessment and proposed service options. *The report is proprietary information and remains the property of the carrier. Crown Castle is not at liberty to provide information that is the property of the carrier.*
4. What purpose will be served specifically for the Crossgate homeowners by putting the towers in a neighborhood which already has 5G Service and is an established neighborhood with no additional homes or population coming in the future? *Small cell enhances far more than just 5G phone service. Please refer to the presentation document for an explanation of small cell and its purposes.*
5. What is the approximate range of a small cell pole tower? *Approximately 300-500 feet*
6. Are small cell phone tower signals blocked by structures, like houses? *Yes*
7. Is coverage enhanced, improved, and/or broadened when the cell is placed on a taller pole, rather than a short pole? *Typically, yes, unless the structure is under a structure, such as a tree canopy.*
8. Why not install two cells on the telephone poles running along Columbiana Road in front of the neighborhood, and two more on the telephone poles running along Jacobs Road behind the neighborhood? The telephone poles along Columbiana Road are higher than any other point inside the entire neighborhood, thus eliminating the chance that the signal would be impaired by the 100 dwellings inside the neighborhood. The poles already exist, it's cheaper for Crown Castle, and there's no angry neighborhood. *Existing nodes located on Columbiana Road would not penetrate this subdivision. Please see the City of Vestavia Hills presentation – <https://vhal.org/departments/city-clerk/small-cell-technology>.*
9. Are similar towers proposed for Tanglewood? Woodridge? Liberty Park? Buckhead? (And any other affluent Vestavia neighborhoods that spring to mind) *Yes. Assessments are performed by the carrier who contracts with Crown Castle for the installation of the small cell poles/nodes. As such, we are not made aware of exact locations in advance of the submission of a permit request.*
10. Can these be mounted on city property? Wald Park? City Hall? Atop each fire station? *No*
11. Does Crown Castle have a contract with the City of Vestavia Hills to pay any type of rental, commission or other compensation for installing the Small Cell Towers on homeowners "utility right of ways"? *The City will collect \$1,000 per support structure along with an annual payment in the amount of \$270 per node.*
12. Who does Crown Castle hope to be installing these Small Cell Towers for . . . AT&T, Spectrum, Verizon, T-Mobile? Please give us a list of all that Crown Castle will be receiving monies for the use of these small cell towers. *Crown Castle is a private business entity and not at liberty to disclose the name of the carrier who has contracted with them to request this service.*
13. Does Crown Castle realize that our homes could lose 20% or more of value on our homes? *Small cell poles have been installed in multiple areas in and around Vestavia Hills, Mountain Brook, etc. Based on sales data in the over-the-mountain area, property values have continued to increase and there is nothing to indicate a decline in value based on the installation of a small cell structure.*
14. Why were all Crossgate homeowners not notified of the Small Cell Tower proposal rather than only homeowners whose property is adjacent to these poles? *The City Council requires the following: (1) notification property owners in the immediate area of the location to be advised of the request; (2) the listing of a resource for affected residents to find more information; and (3) contact information for a Crown Castle representative should the homeowner desire additional information. Prior to a public hearing, signs were distributed to the location areas and notices were mailed to homeowners immediately adjacent to the proposed structure location. Aside from those efforts, it is not feasible to contact everyone within an entire subdivision when a request is made.*
15. Does Crown Castle realize that not one Crossgate resident wants a 35' mini cell tower in their yard emitting/discharging 5G waves? *Noted*
16. How tall will the towers be? *35'*

17. Can we limit the height? No
18. Are the towers to be camouflaged - if taller than a telephone pole? If so, how? No. The poles have been chosen to aesthetically blend in with other structures in the subdivision, i.e. mailbox structures, etc. Historically, only macro poles were camouflaged in an attempt to blend in with trees.
19. If we can't defeat the proposal, can we ask for a share of the royalties that the towers bring into the city? The City, by law, may not share revenues. The City will collect \$1,000 per support structure along with an annual payment in the amount of \$270 per node. These monies are primarily utilized to support City operations for the benefit of our residents.
20. How will individuals be notified that their front yard now has a cell tower in it? Prior to a public hearing and any subsequent installation, signs were distributed to the location areas and notices were mailed to homeowners immediately adjacent to the proposed structure location.
21. Is it going to make a lot of difference to the coverage if the polls are placed out of the subdivision? Yes. Please see the City of Vestavia Hills presentation – <https://vhal.org/departments/city-clerk/small-cell-technology>.
22. Are the signals in the subdivision going to become much weaker if the polls are one mile away from here? Yes. They will be completely ineffective. Please see the City of Vestavia Hills presentation – <https://vhal.org/departments/city-clerk/small-cell-technology>.
23. Please share how you determined the proposed locations for the 35-foot poles in the Crossgate neighborhood. Why would it not be adequate to collocate on nearby established poles (on Columbiana Road, Vestavia Place Apartments, Jacobs Road) or put your poles in areas where they are not an anomaly? Our neighborhood, by design, does not have tall poles, and we do not want them now. Is there not some way to place the poles outside the neighborhood or at least in more discreet locations so they are not such eyesores? Please see the City of Vestavia Hills presentation – <https://vhal.org/departments/city-clerk/small-cell-technology>.
24. Assuming you move forward with placement as proposed what do you plan to do to ensure that the poles do not become eyesores (i.e., leaning, falling down, etc.) over time? The service level agreement with Crown Castle requires quarterly site visits to assess the condition of the structures. Any dilapidated utility structure may also be reported in the City's Action Center at www.vhal.org/action-center. City staff reviews all submissions and will contact the owner of the structure as warranted.
25. Does Crown Castle have any other design options? No
26. In my limited searching, most municipalities seem to be installing these in commercial areas where there is more outdoor space and vastly different structures than a residential area. Are we assured that these poles are effective in a residential setting? Yes
27. What is the radiation impact from the tower on humans as well as the duck population that live in the Crossgate Lake? Has any study been conducted on the environmental impact of this? The consensus of nearly seven decades of research by many of the top scientific and health communities, including the FDA, is that electromagnetic emissions at the levels allowed by FCC regulations are safe. For more information, visit <https://www.crowncastle.com/pdfs/understanding-the-safety-of-5g.pdf> and/or <https://www.fcc.gov/general/radio-frequency-safety-0>.
28. According to Pat Boone, the acting city attorney, what is the federal statute to which he adamantly referred at the City Council meeting on June 26, 2023, as what amounts to a mandate that cities must permit Crown Castle and other contractors like them to install small cell tower poles? And no, I don't mean the Supremacy Clause of the Constitution, to which he also referred during that meeting. The authority derived from the Telecommunications Act of 1996 pursuant to which the Federal Communications Commission (FCC) made a declaratory ruling and Third Report and Order regarding the installation of small cell wireless facilities on a right-of-way owned by a state, county or municipality entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment." The purpose of this was the preempt state and local requirements related to the deployment of fifth generation (5G) wireless infrastructure. This was issued on September 26, 2018 with an effective date of January 14, 2019. **The basis of the ruling was that states cannot inhibit a mobile service provider's ability to provide small cell wireless service to an area; Jurisdictions cannot impose zoning regulations that prohibit the installation of small cell wireless facilities; Jurisdictions cannot charge excessive fees to the provider and that a "shot clock" sets a 60-day collocation approval and a 90-day new support approval. The federal ruling preempts state laws. Later, the Alabama Legislature enacted Act 2021-5 to allow wireless providers to collocate, mount or install small cell wireless facilities on or adjacent to existing new or replacement poles in the City right-of-way.** This act became effective February 19, 2021 and is codified as Title 37-17-1 through 37-17-12 Code of Alabama, 1975. In 2018, the City

adopted Ordinance Numbers 2814A and 2815A which sets forth the procedure for the application process for a small cell node. It is in keeping with the State of Alabama law so it is still followed today. The Ordinance provides for a public hearing concerning the proposal. This was done by the Council in order to alert and inform the property owners in the vicinity of the proposed pole. However, following the adoption of the Ordinance, the state law preempted the Ordinance which also has to be within the scope of the federal FCC ruling.

29. What income does the city expect to derive from these three poles? What are the actual projections? Is it X dollars installation fee plus X dollars annual excise tax plus X dollars use tax per year? And what is the actual amount projected for each factor? The City will collect \$1,000 per support structure along with an annual payment in the amount of \$270 per node (total \$810) annually. We are not aware of any excise taxes, however the rental on the nodes by different providers may require federal taxes on the leases. The leases are private and not within the City's purview.
30. Has any entity been in contact with other city service contractors, such as trash pickup, to advise them of possible new driving hazards? The garbage truck that comes to our circle already has to do a 9-point turn to get in and out. The mail truck routinely runs over the cable boxes. What will happen when there's a 35-foot steel pole on the edge of the street? And who will be injured by it? All applications are reviewed by the City Engineering department to prohibit any site distance or any other problems that installation might present in the ROW. Engineering had no issues. The Crosswood pole is to be located 5' off of the curb; the Crossgate Drive pole is to be located 9' off of the pavement; and the Crossgate Place is located 3' off of the gutter on a straight way.
31. Is the city prepared to self-insure against paying damages to injured parties? And how does that cost compare to the relatively small amount of revenue that the city might derive from this proposed installation? The City handles any notice of claim through a standard process and if any claims were to arise, the City would handle it through the same process. Further, Ordinance 2814A request the following: "Any Provider or Applicant to whom a permit is issued and that places Facilities and associated Support Structures on the Right-of-Way also shall comply with the following requirements as long as those Facilities and Support Structures are on or under the Right-of-Way: Prior to installing the Facilities or Support Structures, the Applicant shall provide the City a certificate(s) of insurance evidencing that it has obtained and will maintain the following types of insurance in connection with its operations on or use of the Right-Of-Way; General Liability Coverage insuring the risk of claims for damages to persons or property arising from or related to the installation, construction, maintenance, operation or any use of the Facility or Support Structure placed on or along the Right-of-Way by the Applicant (or any of their contractors) with minimum limits of \$1,000,000 per occurrence; and Workers Compensation Insurance as required by statute. The General Liability coverage shall list the City of Vestavia Hills, Alabama as an additional insured, and may be provided through a combination of a primary and umbrella policies. All insurance policies shall be furnished by insurers who are reasonably acceptable to the City and authorized to transact business in the State of Alabama. On an annual basis following initial installation, the Applicant also shall furnish the City a Certificate indicating that the above-noted coverage remains and will remain in effect. The City shall allow the applicant to provide a certificate of self-insurance in lieu of these provisions and must affirm adequate financial security on the part of the self-insured entity."
32. What type of compensation is the City of Vestavia Hills receiving or will receive from the Federal Government in order to move forward 5G cell service by allowing the installation of the Small Cell Towers? The City does not receive compensation from the federal government relative to small cell technology.
33. What type of compensation is/will the City of Vestavia Hills be receiving from Crown Castle by allowing the installation of the Small Cell Towers? See question 29.
34. After reading up on Small Cell Towers on the internet, and seeing that many municipalities are fighting and winning against these installations . . . and reading where Crown Castle has decided not to do installations in some areas after realizing all of the objections, why isn't the City of Vestavia Hills fighting for Crossgate Subdivision? The City of Vestavia Hills is bound by local, state and federal regulations. If there's a question, the City reaches out to legal Counsel, other municipalities, the League of Municipalities, etc. The City understands that there are some Supreme Court cases that might be pending, however, within the State of Alabama, the procedures, laws, regulations are set forth and the City must abide by them. Please see question 28 for additional information.

35. As soon as the City of Vestavia Hills was approached by Crown Castle regarding installation of the Small Cell Towers, why didn't the City of Vestavia Hill and City Council advise all Crossgate homeowners of this action so we could say "NO" long ago? The City Council requires the following: (1) notification property owners in the immediate area of the location to be advised of the request; (2) the listing of a resource for affected residents to find more information; and (3) contact information for a Crown Castle representative should the homeowner desire additional information. Prior to a public hearing, signs were distributed to the location areas and notices were mailed to homeowners immediately adjacent to the proposed structure location. Aside from those efforts, it is not feasible to contact everyone within an entire subdivision when a request is made.
36. Who is going to vote for the decision making? The members of the governing body – the City Council.
37. How many negative votes do we need to get to make the polls not to be placed in Crossgate Subdivision? If the City Council turns down the request by majority vote, the applicant (Crown Castle) has the ability to appeal the decision.
38. It appears that some city governments are taking a more active role to protect aesthetics and property values within their cities. Why would you not do the same for citizens of Vestavia Hills? I understand you can't prohibit installation of small cell technology per federal law, but why would you not work harder to encourage alternate locations, particularly in neighborhoods who have paid to have underground utilities and in which there are NO other tall poles? The City of Vestavia Hills has an established Design Review Board whose purpose is to assure compatibility and quality in the design of certain development types in order to protect the health, safety and general welfare of the City. It is the intent of the DRB to: promote the general welfare of the citizens of Vestavia Hills by ensuring that proposed sites, buildings and landscaping enhance the environment and design of the City; assure pleasing, environmentally-friendly development that supports the economic viability of the community; protect and enhance the value of properties in Vestavia Hills; and ensure that new development is in accordance with the City of Vestavia Hills Comprehensive Plan. While DRB is tasked with protecting the aesthetics of the City, small cell installation is not within their purview.
39. What recourse do neighborhoods and citizens have against utility companies who do not maintain their above ground connections so that they do not become eyesores? There are short "poles" lying flat on the ground in yards all over our neighborhood. What happens when the 35-foot poles begin to lean, or worse, fall over in a few years? For small cell, Ordinance 2814A, Section 4, mandates that any abandoned facility should be removed or reclaimed within 50 days of the written notice of abandonment by the City and the procedure to follow to remove said facility. Other facilities for other utilizes should be found in that particular utility franchise agreement. The City would need to know where those are located in order to take action on each one of them.
40. How does the city determine if a new pole is actually needed (as opposed to being able to collocate on a pole nearby)? Do you take Crown Castle's word for it, or do you do your own research? Needs assessments are performed by the carrier who contracts with Crown Castle for the installation of the small cell poles/nodes. The City does not perform an additional assessment upon receipt of a permit request from Crown Castle.
41. Is the council not concerned about the loss of property value within our city due to the eyesores being created by these poles? How would each of you feel personally about having one of these poles in your front yard? Small cell poles have been installed in multiple areas in and around Vestavia Hills, Mountain Brook, etc. Based on sales data in the over-the-mountain area, property values have continued to increase and there is nothing to indicate a decline in value based on the installation of a small cell structure.
42. Has the council looked at other providers for a more pleasing design? The City isn't aware of any pole except the 45' gray wood poles (located on more major highways like Columbiana Road) and the smaller 35' black poles placed within neighborhoods. Some have other accoutrements attached such as stop signs, street lights, but the design is the same. The nodes vary – some are more like antennae and others are encased. The design proposed for Crossgate is an encased node.
43. If such a design is found, and since our community is underlit, has the Council considered adding small lamp posts in our neighborhood that could potentially also serve as a small cell antenna? The City does not install or maintain street lights in subdivisions. Therefore, this option would require an agreement between the homeowners/HOA and Crown Castle. Crown Castle is open to this discussion and the Crossgate HOA president has been provided with the contact information for the appropriate Crown Castle representative.
44. I have seen that this technology has been used at traffic signals and pre-existing light poles. Has the Council considered that option? We have opportunities to do that along Columbiana Road, which may prove useful. Taller poles have been installed along Columbiana Road. The small cell nodes are designed to have a small reach, pull in cellular data from a smaller area than a macro pole, take the data into the fiber located in the ground. Therefore, the proximity of the poles already installed on Columbiana will not reach into the Crossgate neighborhood.