



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

July 28, 2014

Special Council Meeting

New Hope International Church, 10808 SE 28th Street, Bellevue

Mayor Leider called the meeting to order at 7:00 pm.

PRESENT: Mayor Richard Leider, Councilmembers Peggie Bates, John Gillem, Mike Hillberg, Wade Morlock, and Tom Stowe.

EXCUSED: None.

STAFF: Clerk-Treasurer Sue Ann Spens, Deputy Clerk Angela Kulp.

GUESTS: Becky Todd, Lexcom, Todd Fiebig, AT&T;

Beaux Arts residents: Rick and Kathy Corra, Pam Whatmore, Paula Dix, Andy and Robin Stefan, Jay Jacobsen, Fred and Marilee McCorriston, Pam Donoghue, Brian Kemp, Donna Stowe, Jeff Elston, Jeff Avansino, Carol Clemett, Rich Bray, Stacy Saal, Joann Bromberg, Aaron Sharp, David Dempster, Susan Kennedy, Francine Johnson, Bernard vandeKamp, Bennet and Eugenia Yen.

Bellevue residents: Britt Green, Margaret Nicoll, Sharon Pang, Nancy Shriver, Gregg and Sabrina Barton, Tracy and Virginia Skinner, Larry Parypa, Pat LeBaron, Susan Carlson, Pat McDermott Rosell, Corinne Burr, Barbara Dupin, Mikel Oswald, Ben Sakamoto, Molly Anderson, Bob Conroy.

Mayor Leider welcomed everyone, introduced the Beaux Arts Council members, and opened by stating that one reason the Council is considering this proposal is that Beaux Arts, as a small town, has limited revenues. He explained that after giving an overview of the proposal, he will open the floor to comments and questions, noting the following ground rules:

- Each speaker should limit their comments to two minutes,
- Everyone should have an opportunity to speak, before someone who has already spoken takes another turn, and
- If your comments are the same as what someone else has said, please state that you agree with the person rather than repeating their comments.

Mayor Leider then explained that about a year ago, AT&T approached the Town about the possibility of installing cell-phone antennae on the existing water tower and placing support equipment on the water-tower lot. Since that first discussion, the Council has listed a discussion item on its meeting agenda and has invited residents to participate in that discussion. Because participation was minimal, the Council decided to hold this public hearing to again encourage participation and discussion.

Mayor Leider noted that there has been some discussion with AT&T about lease terms, but nothing final has been decided. The Council has set some key terms and conditions

restricting the location of both the antennae and the support equipment, outlining esthetic requirements, and specifying design requirements to mitigate noise. He also noted that the Council has no plans for action tonight. This meeting is solely for collecting input from residents. A final decision won't be made until later this year.

Mayor Leider presented AT&T's preliminary proposal, including site plans, drawings, and an artistic rendering of the final appearance of the installation. After completing this presentation, he opened the floor to questions.

David Dempster: How much revenue is expected from the proposed installation and for what time frame? What are the Town's overall revenues and expenditures not including this proposal? Mayor Leider answered that the proposed revenue is approx. \$2700 per month to begin with fee increases annually for a five-year initial term that can be extended. The Town's overall revenues and expenditures are balanced at \$300,000 each for now, but there are very few opportunities for the Town to realize additional revenue except by increasing property taxes. This means there are no excess revenues to handle the Town's future needs, which include satisfying regulatory mandates such as new stormwater regulations.

Andy Stefan: Since noise has been mentioned as a concern, can AT&T address the issue of noise from air-conditioners (A/C units) and generators? Todd Fiebig with AT&T answered that AT&T is plans to mitigate the noise from A/C units and may utilize a special lower-noise unit to reduce the noise as much as possible. He explained that battery backup equipment is required by federal standards, but no generators are planned for this site at the Town's request.

Molly Anderson: Will AT&T lease the site to other carriers? If so, will there be additional equipment and antennae added to the site? Mr. Fiebig answered that whether to allow additional carriers is a decision for the Town Council not for AT&T.

Jeff Elston: The assumption is that these new antennae will improve AT&T's coverage, but what benefit is that to residents? Mr. Fiebig answered that any AT&T customer will benefit from improved cell service in the vicinity of these antennae.

Karin Burr: She has heard recordings of noise from these installations and found them to be loud to noisy. How do we know this site won't be just like those? Mayor Leider answered that AT&T has contracted for an independent sound study that examines the expected noise levels relative to the ambient noise on the site and found that the noise impact is lower than King County's limit for residential properties.

Gregg Barton: He is concerned about this sound study, because it doesn't address pure-tone sounds, which King County restricts to 5dB. Mayor Leider commented that this question would require additional research.

Carol Clemett: Is the Council aware of any studies regarding the impact of these installations on home prices in the vicinity? Mayor Leider answered no, though he has seen emails suggesting such possibilities.

Stacy Saal: She would like to have more information on the impact of this proposal on home prices.

Donna Stowe: How one can separate the impact of the water-tower itself versus the cell-phone antenna? She noted that the antennae don't alter the appearance of the water tower, and she doesn't understand why someone has a problem with the antennae when they already live near a water tower.

Rich Bray: Are there diagrams of other sites that already provide coverage to the Beaux Arts area? Mr. Fiebig answered that there are antennae at Bellevue High School and at the PSE substation at 108th and Bellevue Way. He would need to obtain additional information about the coverage from those sites.

Rick Corra: How many residential areas have installation like the one that is proposed? Mr. Fiebig answered that the sites at Bellevue High School and at the PSE substation are in residential areas.

Jeff Elston: Is the installation on the water tower in Clyde Hill typical for noise? Mr. Fiebig answered that the site in question is 15 to 20 years old and has older A/C technology so it is noisier than what is proposed here.

Bernard vandeKamp: Does Beaux Arts have an ordinance regulating noise from heat pumps, A/C units and generators? And what is the expected frequency of maintenance? Mayor Leider answered that the Town does not have its own noise ordinances, but relies on King County's regulations. Mr. Fiebig answered that the typical frequency for maintenance is once per month for equipment in the shed.

Paula Dix: If there are no generators, how would the site continue to run in a power outage? Mr. Fiebig answered it would run until the batteries died.

Margaret Nichol: If the Town allows one operator, must they allow others? Mayor Leider answered no, because the Town only has this small piece of property available and it probably cannot support additional carriers.

Stacy Saal: What are the Council's criteria for deciding whether to approve this project? Mayor Leider answered that the Council would determine whether the revenue was reasonable and whether AT&T is able to effectively mitigate the negative impacts, e.g. noise. He added that based on tonight's questions, the Council has more information gathering to do.

Pam Whatmore: What about using LIDs to fund needed infrastructure? Mayor Leider answered that LIDS are a very different funding mechanism from this revenue type.

Ben Sakamoto: If there are two A/C units, how will they continue to work if the power goes out? Mr. Fiebig answered that the battery backup will provide about 4 hours of power. If the

power does not come back in four hours, the antennae and supporting equipment will shut down until the power is back online.

Pam Donoghue: Are there health concerns associated with this facility? Studies to read? Mr. Fiebig answered that there are many studies about health impacts, that the output from these facilities is regulated by the FCC and is set at the same limit as baby monitors.

Gregg Barton: So the main driver here is the revenue? Mayor Leider answered that if there were no revenue stream, the Town would not bother to discuss the proposal. Mr. Fiebig added that there is also a safety aspect to improved coverage.

Rich Bray: Will there be another public hearing? Can the information presented tonight be distributed to attendees? Mayor Leider answered that this will probably be the only formal public hearing, but Council meetings are always open to the public. And the information in tonight's presentation can be posted on the Town's website.

Molly Anderson: If this were being built next to your house, would you vote for it? Several Councilmembers noted that the sole reason for tonight's meeting is that the Council is trying to be aware of and sensitive to neighbors' concerns and decided to hold this meeting to gather information about those concerns.

Bennet Yen: Would the Council be willing to hold a public vote on the issue? Mayor Leider answered that while that can be done, actually holding a public election is very expensive.

Bernard vandeKamp: Is there anything in the proposal that doesn't fit our current regulations, i.e. anything exceptional? Mayor Leider answered yes, the support equipment.

Robin Stefan: Noise seems to be the biggest concern. Are there other locations that people can visit to get a sense of the noise levels? Mayor Leider answered that we will work to develop a list of similar installations.

Margaret Nichol: Are there lease requirements to update equipment? Mayor Leider answered no.

Brian Kemp: How was the lease payment negotiated? Mayor Leider answered based on similar locations in our area.

Rich Bray: Is that negotiation closed? Mayor Leider answered yes, until the lease is signed.

Once the questions were answered, Mayor Leider opened the floor to comments.

Rick Corra: Opposed. It doesn't fit the community, impacts his home more significantly than any other, and he remains about the noise.

Pam Whatmore: Opposed. Agrees with Rick Corra.

Britt Green: Opposed. Agrees with Rick Corra.

Sharon Pang: Opposed. She feels that over time these small changes for the good of the community seem not to be so good for the community when taken all together.

Nancy Shriver: Opposed. Suggest the Council seek other revenue sources.

Gregg Barton: Opposed. Agrees with Sharon Pang. He acknowledges that he purchased his property with the water tower in place, but while the physical tower has no impact on his property value, the noise from the cell installation will have a negative impact.

Paula Dix: She senses that many in the room use cell phones regularly and feels that there is some hypocrisy to the opposition.

Tracy Skinner: Opposed. White noise is still noise.

Larry Parypa: Opposed.

Pat LeBaron: Opposed due to noise.

Robin Stefan: Supports. Improved cell service is important to the Town, and the revenue is a bonus. She doesn't think that people will visually notice the changes, though she wants to investigate the noise issues more.

Andy Stefan: Supports. He thanked the Council for taking time to listen to people's concerns and state that noise mitigation is the key to eliminating the major objections.

Jay Jacobsen: Supports. He thinks this is a good use of existing structures, and if the noise can be adequately mitigated, it should be okay.

Brain Kemp: Opposes because of the controversy about the noise and potential health impacts.

Jeff Elston: Opposes due to noise. He respects the revenue opportunity but notes it amounts to \$276 per household per year. He noted that while the revenue would be enjoyed by the whole Town, the noise impact will be borne by only a few and by some non-Beaux Arts residents.

Jeff Avansino: Opposed. He does not feel that it fits with the character of the Village and doesn't see the purpose of adding the revenue if there is no real need for it.

Rich Bray: Opposed. Agrees with Jeff Elston.

Stacy Saal: Opposed. The revenue is insignificant, but the impact is not.

Kathy Corra: Strongly opposes. She doesn't think anyone would want this 50 feet from their

front door.

Colleen Burr: Opposes for real-estate reasons. She is a realtor and has read statistics that say 94% of buyers feel that having such an installation in the vicinity would impact their choice of home and 79% would not purchase or rent if a cell tower were nearby.

Barbara Dupin: Opposed based on health issues and the property-value impact.

Aaron Sharp: Supports. Cell service is spotty in the neighborhood, and he is in favor of improved service. He thinks the noise issues can be mitigated for the neighbors and could even be better than the noise from the freeway.

David Dempster: He is concerned about preserving the core values of Beaux Arts, especially its serenity. If the noise cannot be mitigated sufficiently, he is strongly opposed. He is also concerned that an analysis of the revenue stream and its projected uses is missing from this discussion.

Ben Sakamoto: Opposed. He has enjoyed good relations with Beaux Arts and reminded all that Beaux Arts is not an island, but a community surrounded by the Enatai neighborhood. He asked that the Council consider the impact on everyone, not just the Beaux Arts residents.

Eugenia Yen: Opposed. The height of the array doesn't seem ideal for the location, and she doesn't believe the health impacts should be discounted.

Bennet Yen: Undecided. He wants the Council to continue the conversation and would like more information on the benefits of the new revenue.

Molly Anderson: Opposed. Beaux Arts benefits from the money but the immediate neighbors bear all the costs.

Bob Conroy: Opposed. He feels added cell antennae detracts from the small-town feel of the water tower itself.

Mayor Leider thanked everyone for their participation in this discussion and their comments. The Council will continue discussing this proposal over the next several months and will consider all of this input during those discussions.

ADJOURN: Councilmember Hillberg moved to adjourn the meeting at 8:40 pm.

Councilmember Bates seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer