

No. 13-975

IN THE
Supreme Court of the United States

T-MOBILE SOUTH, LLC,
Petitioner,

v.

CITY OF ROSWELL, GEORGIA,
Respondent,

**On Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit**

JOINT APPENDIX

T. SCOTT THOMPSON
Counsel of Record
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20006
(202) 973-4200
scottthompson@dwt.com
Counsel for Petitioner

RICHARD A. CAROTHERS
Counsel of Record
CAROTHERS &
MITCHELL, LLC
1809 Buford Highway
Buford, GA 30518
(770) 932-3552
richard.carothers@
carmitch.com
Counsel for Respondent

**PETITION FOR CERTIORARI FILED FEBRUARY 12, 2014
CERTIORARI GRANTED MAY 5, 2014**

JOINT APPENDIX TABLE OF CONTENTS

	<u>Page</u>
Docket Sheet, U.S. District Court for Northern District of Georgia (Case No. 1:10-cv-01464-AT)	1
Docket Sheet, U.S. Court of Appeals for the Eleventh Circuit (Docket No. 12-12250)	26
Verified Complaint of Plaintiff T-Mobile South LLC (May 13, 2010).....	34
City of Roswell Municipal Code: Article 21.2 Standards for Wireless Communication Facilities	67
Administrative Record Excerpt: Observations and Questions Submitted by Citizens Group and Responses of T-Mobile South, LLC (dated March 18, 2010)	92
Transcript of Proceedings Before Mayor and City Council of Roswell, Georgia (April 12, 2010)	109
Map of Search Ring Attached to Complaint.....	275
Denial Letter from Bradford D. Townsend, Planning and Zoning Director, City of Roswell, to T-Mobile South, LLC and Mr. Lannie Green (dated April 14, 2010)	278
Answer and Defenses of Defendant the City of Roswell, Georgia	279

JOINT APPENDIX TABLE OF CONTENTS

	<u>Page</u>
Administrative Record Excerpt: Exhibit 6 Submitted to the Mayor and Council by the Roswell Neighborhoods Against Cell Towers	299
Minutes of April 12, 2010 Mayor and City Council Meeting	321

1
U.S. DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA (ATLANTA)

Civil Docket for Case #: 1:10-cv-01464-AT

T-MOBILE SOUTH, LLC
v.
CITY OF ROSWELL, GEORGIA

RELEVANT DOCKET ENTRIES

DATE	NO.	PROCEEDINGS
05/13/2010	1	COMPLAINT filed and summon(s) issued. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Filing fee \$ 350 receipt number 24423), filed by T-Mobile South, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3 - Part 1, # 4 Exhibit 3 - Part 2, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Summons issued, # 17 Civil Cover Sheet)(pdw) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 05/17/2010)
05/13/2010	2	Corporate Disclosure Statement by T-Mobile South, LLC identifying

DATE	NO.	PROCEEDINGS
		Corporate Parents Deutsche Telekom AG, T-Mobile USA, Inc., T-Mobile Global Zwischenholding GmbH, and T-Mobile Global Holding GmbH for T-Mobile South, LLC.(pdw) (Entered: 05/17/2010)
05/19/2010	3	ORDER OF RECUSAL. Judge Marvin H. Shoob recused. Case reassigned to Judge Richard W. Story for all further proceedings. Signed by Judge Marvin H. Shoob on 05/18/2010. (rvb) (Entered: 05/19/2010)
05/19/2010	4	NOTICE to All Counsel of Record: The above styled case was reassigned to the Honorable Richard W. Story from the Honorable Marvin H. Shoob. (rvb) (Entered: 05/19/2010)
05/24/2010	5	Return of Service Executed by T-Mobile South, LLC. City of Roswell, Georgia served on 5/17/2010, answer due 6/7/2010. (Taylor, Scott) (Entered: 05/24/2010)
06/01/2010	6	NOTICE of Appearance by Richard A. Carothers on behalf of City of Roswell, Georgia (Carothers, Richard) (Entered: 06/01/2010)
06/01/2010	7	NOTICE of Appearance by Regina Benton Reid on behalf of City of Roswell, Georgia (Reid, Regina) (Entered: 06/01/2010)

DATE	NO.	PROCEEDINGS
06/07/2010	8	ANSWER to 1 COMPLAINT by City of Roswell, Georgia. Discovery ends on 11/4/2010. (Carothers, Richard) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 06/07/2010)
07/06/2010	9	Joint PRELIMINARY REPORT AND DISCOVERY PLAN filed by T-Mobile South, LLC, City of Roswell, Georgia. (Taylor, Scott) (Entered: 07/06/2010)
07/07/2010	10	Initial Disclosures by City of Roswell, Georgia. (Carothers, Richard) (Entered: 07/07/2010)
07/08/2010	11	Initial Disclosures by T-Mobile South, LLC.(Taylor, Scott) (Entered: 07/08/2010)
07/08/2010	12	SCHEDULING ORDER approving 9 Preliminary Report and Discovery Plan except as herein modified: the parties will report back to the Court prior to the conclusion of the four month discovery period provided for under the Local Rules if one or both parties believe that additional time for discovery is necessary. Signed by Judge Richard W. Story on 7/08/2010. (pdw) (Entered: 07/08/2010)

DATE	NO.	PROCEEDINGS
08/03/2010	13	CERTIFICATE OF SERVICE of <i>Defendant City of Roswell's First Interrogatories to Plaintiff</i> by City of Roswell, Georgia. (Reid, Regina) (Entered: 08/03/2010)
08/03/2010	14	CERTIFICATE OF SERVICE of <i>Defendant City of Roswell's First Request for Production of Documents to Plaintiff</i> by City of Roswell, Georgia. (Reid, Regina) (Entered: 08/03/2010)
09/07/2010	15	CERTIFICATE OF SERVICE by T-Mobile South, LLC.(Taylor, Scott) (Entered: 09/07/2010)
09/28/2010	16	Joint MOTION for Protective Order by T-Mobile South, LLC. (Attachments: # 1 Exhibit A -- Stipulated Protective Order)(Barr, Jonathan) (Entered: 09/28/2010)
09/29/2010	17	STIPULATED PROTECTIVE ORDER Signed by Judge Richard W. Story on 9/29/2010. (tcc) (Entered: 09/30/2010)
10/20/2010	18	PROPOSED CONSENT ORDER Extending Discovery Period. (Taylor, Scott) (Entered: 10/20/2010)
10/21/2010	19	Request for Leave of Absence for the following date(s): 11/22/10, 11/23/10, 11/24/10, 11/29/10, 11/30/10, 12/1/10, 12/20/10, 12/21/10, 12/22/10, 12/23/10, 12/24/10, 12/27/10, 12/28/10, 12/29/10, 12/30/10,

DATE	NO.	PROCEEDINGS
		12/31/10, 01/03/11, 01/04/11 and 01/05/11, by Regina Benton Reid. (Reid, Regina) (Entered: 10/21/2010)
10/22/2010	20	CONSENT ORDER extending time for Discovery. Discovery ends on 1/7/2011. Signed by Judge Richard W. Story on 10/21/2010. (pdw) (Entered: 10/22/2010)
11/04/2010	21	Supplemental Initial Disclosures by T-Mobile South, LLC.(Taylor, Scott) (Entered: 11/04/2010)
11/04/2010	22	CERTIFICATE OF SERVICE filed by T-Mobile South, LLC (Taylor, Scott) (Entered: 11/04/2010)
12/02/2010	23	CERTIFICATE OF SERVICE of <i>Defendant's Objections and Responses to Plaintiff's First Interrogatories</i> by City of Roswell, Georgia.(Reid, Regina) (Entered: 12/02/2010)
12/02/2010	24	CERTIFICATE OF SERVICE of <i>Defendant's Objections and Responses to Plaintiff's First Request for the Production of Documents</i> by City of Roswell, Georgia. (Reid, Regina) (Entered: 12/02/2010)
12/16/2010	25	PROPOSED CONSENT ORDER Extending Discovery Period. (Reid, Regina) (Entered: 12/16/2010)

DATE	NO.	PROCEEDINGS
12/17/2010	26	CONSENT ORDER extending Discovery period to and including 2/21/2011. Signed by Judge Richard W. Story on 12/17/10. (cem) (Entered: 12/20/2010)
02/11/2011	27	PROPOSED CONSENT ORDER Extending Discovery Period and Modifying Scheduling Order. (Taylor, Scott) (Entered: 02/11/2011)
02/14/2011	28	CONSENT ORDER extending Discovery period to and including 3/18/2011, and the deadline for submission of summary judgment motions shall be 4/29/11. Signed by Judge Richard W. Story on 2/11/11. (cem) (Entered: 02/15/2011)
03/01/2011	29	NOTICE to Take Deposition of David Snavelly filed by T-Mobile South, LLC (Attachments: # 1 Exhibit A - Snavelly Subpoena) (Taylor, Scott) (Entered: 03/01/2011)
03/01/2011	30	Request for Leave of Absence for the following date(s): April 1, 2011, April 2, 2011, April 3, 2011, April 4, 2011, April 5, 2011, April 6, 2011, April 7, 2011, April 8, 2011, April 9, 2011, April 10, 2011, April 11, 2011 and April 12, 2011, by Regina Benton Reid. (Reid, Regina) (Entered: 03/01/2011)

DATE	NO.	PROCEEDINGS
03/07/2011		Case Reassigned to Judge Amy Totenberg. Judge Richard W. Story no longer assigned to case. NOTICE TO ALL COUNSEL OF RECORD: The Judge designation in the civil action number assigned to this case has been changed to 1:10-cv-1464-AT. Please make note of this change in order to facilitate the docketing of pleadings in this case. (cem) (Entered: 03/07/2011)
03/10/2011	31	NOTICE to Take Deposition of Todd VanCleve filed by City of Roswell, Georgia (Attachments: # 1 Exhibit A)(Reid, Regina) (Entered: 03/10/2011)
04/26/2011	32	NOTICE Of Filing by City of Roswell, Georgia (Attachments: # 1 R1-61)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	33	NOTICE Of Filing by City of Roswell, Georgia (Attachments: # 1 R62-65, # 2 R66-69, # 3 R70-73, # 4 R74-77, # 5 R78-82)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	34	NOTICE Of Filing by City of Roswell, Georgia (Attachments: # 1 R83-86)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	35	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R-87-90)(Reid, Regina) (Entered: 04/26/2011)

DATE	NO.	PROCEEDINGS
04/26/2011	36	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R91-93)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	37	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R94-95)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	38	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R96-97)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	39	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R98-99)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	40	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R100)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	41	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R101-154)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	42	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R155-157)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	43	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R158-162)(Reid, Regina) (Entered: 04/26/2011)

DATE	NO.	PROCEEDINGS
04/26/2011	44	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R163-167)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	45	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R168-172)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	46	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R179-180)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	47	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R181-182)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	48	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R183-184)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	49	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R185-186)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	50	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R187-188)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	51	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R189-190)(Reid, Regina) (Entered: 04/26/2011)

DATE	NO.	PROCEEDINGS
04/26/2011	52	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R191-192)(Reid, Regina) (Entered: 04/26/2011)
04/26/2011	53	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R193-194)(Reid, Regina) (Entered: 04/26/2011)
04/27/2011	54	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R195-196)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	55	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R197-198)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	56	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R199-200)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	57	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R201-202)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	58	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R203-204)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	59	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R205-206)(Reid, Regina) (Entered: 04/27/2011)

DATE	NO.	PROCEEDINGS
04/27/2011	60	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R207-208)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	61	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R209-210)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	62	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R210A-212)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	63	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R213-225)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	64	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R226-231)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	65	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R232-235)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	66	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R236-239)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	67	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R240-243)(Reid, Regina) (Entered: 04/27/2011)

DATE	NO.	PROCEEDINGS
04/27/2011	68	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R244-247)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	69	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R248-251)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	70	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R252-255)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	71	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R256-259)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	72	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R260-281)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	73	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R282-295)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	74	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R296-310)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	75	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R311-334)(Reid, Regina) (Entered: 04/27/2011)

DATE	NO.	PROCEEDINGS
04/27/2011	76	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R335-354)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	77	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R355-356)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	78	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R357-358)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	79	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R359-362)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	80	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R363-369)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	81	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R370-374)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	82	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R375-382)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	83	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R383-387)(Reid, Regina) (Entered: 04/27/2011)

DATE	NO.	PROCEEDINGS
04/27/2011	84	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R388-392)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	85	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R392-436)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	86	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R437-478)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	87	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R479-513)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	88	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R514-548)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	89	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R549-568)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	90	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R569-571)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	91	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R572-574)(Reid, Regina) (Entered: 04/27/2011)

DATE	NO.	PROCEEDINGS
04/27/2011	92	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R575-578)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	93	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R579-583)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	94	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R584-588)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	95	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R589-591)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	96	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R592-594)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	97	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R595-622)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	98	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R623-662)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	99	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R663-700)(Reid, Regina) (Entered: 04/27/2011)

DATE	NO.	PROCEEDINGS
04/27/2011	100	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R701-728)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	101	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R729-769)(Reid, Regina) (Entered: 04/27/2011)
04/27/2011	102	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 R770-773)(Reid, Regina) (Entered: 04/27/2011)
04/29/2011	103	STIPULATION of Dismissal of <i>Count III of the Complaint</i> by City of Roswell, Georgia, T-Mobile South, LLC. (Taylor, Scott) (Entered: 04/29/2011)
04/29/2011	104	MOTION for Summary Judgment with Brief In Support by City of Roswell, Georgia. (Attachments: # 1 Brief, # 2 Statement of Material Facts)(Reid, Regina) --Please refer to http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.-- (Entered: 04/29/2011)
04/29/2011	105	MOTION to Stay with Brief In Support by City of Roswell, Georgia. (Reid, Regina) (Entered: 04/29/2011)

DATE	NO.	PROCEEDINGS
04/29/2011	106	MOTION for Summary Judgment with Brief In Support by T-Mobile South, LLC. (Attachments: # 1 Brief, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Statement of Material Facts, # Z Exhibit 1, # 8 Attachment A Pt. 1, # 2 Attachment A Pt. 2, #10 Attachment A Pt. 3, # 11 Attachment A Pt. 4, # 12 Attachment B, # 13 Attachment C Pt. 1, # 14 Attachment C Pt. 2, # 15 Attachment D Pt. 1, # 16 Attachment D Pt. 2, # 17 Attachment E)(Taylor, Scott) -- Please refer to http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.-- (Entered: 04/29/2011)
05/01/2011	107	Withdrawal of Motion 105 MOTION to Stay filed by City of Roswell, Georgia filed by City of Roswell, Georgia. (Reid, Regina) (Entered: 05/01/2011)
05/01/2011	108	NOTICE Of Filing by City of Roswell, Georgia <i>Original Record</i> (Attachments: # 1 Exhibit Ex 173-178)(Reid, Regina) (Entered: 05/01/2011)
05/02/2011		Submission of 103 Stipulation of Dismissal, submitted to District

DATE	NO.	PROCEEDINGS
		Judge Amy Totenberg. (tcc) (Entered: 05/02/2011)
05/02/2011		Clerk's Entry of Dismissal APPROVING 103 Stipulation of Dismissal of Count III of the complaint pursuant to Fed.R.Civ.P.41(a)(1)(ii). (acm) (Entered: 05/02/2011)
05/23/2011	109	RESPONSE re 104 MOTION for Summary Judgment filed by T-Mobile South, LLC. (Taylor, Scott) (Entered: 05/23/2011)
05/23/2011	110	NOTICE Of Filing Exhibits "A" and "B" by T-Mobile South, LLC re 109 Response to Motion (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Taylor, Scott) (Entered: 05/23/2011)
05/23/2011	111	Response to Statement of Material Facts re 104 MOTION for Summary Judgment filed by T-Mobile South, LLC. (Taylor, Scott) (Entered: 05/23/2011)
05/23/2011	112	RESPONSE in Opposition re 106 MOTION for Summary Judgment filed by City of Roswell, Georgia. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Reid, Regina) (Entered: 05/23/2011)
05/23/2011	113	Response to Statement of Material Facts re 106 MOTION for Summary Judgment filed by City of Roswell,

DATE	NO.	PROCEEDINGS
		Georgia. (Reid, Regina) (Entered: 05/23/2011)
06/07/2011	114	NOTICE Of Filing by City of Roswell, Georgia of <i>Original Deposition of Todd VanCleve</i> (Reid, Regina) (Entered: 06/07/2011)
06/07/2011	115	Request to File Original Discovery of <i>David Snavely</i> by City of Roswell, Georgia. (Reid, Regina) (Entered: 06/07/2011)
06/08/2011	116	DEPOSITION of Todd Vancleve taken on 3/22/2011 by City of Roswell, Georgia. (tcc) (Additional attachment(s) added on 6/20/2012: # 1 Deposition, # 2 Exhibits) (fem). (Entered: 06/09/2011)
06/09/2011	117	REPLY BRIEF re 104 MOTION for Summary Judgment filed by City of Roswell, Georgia. (Reid, Regina) (Entered: 06/09/2011)
06/09/2011	118	REPLY BRIEF re 106 MOTION for Summary Judgment filed by T-Mobile South, LLC. (Attachments: # 1 Reply Brief -- Exhibit 1, # 2 Plaintiff's Response to Defendant's Statement of Disputed Facts)(Barr, Jonathan) (Entered: 06/09/2011)
06/10/2011	119	NOTICE Of Filing Original Deposition Transcript and Errata Sheet of David Snavely by T-Mobile South, LLC (Barr, Jonathan) (Entered: 06/10/2011)

DATE	NO.	PROCEEDINGS
06/10/2011	120	DEPOSITION of David Snavelly taken on 3/23/2011 by T-Mobile South, LLC.(tcc) (Additional attachment(s) added on 6/20/2012: # 1 Deposition, # 2 Errata Sheet) (fern). (Additional attachment(s) added on 7/26/2012: # 3 Exhibits) (fern). (Additional attachment(s) added on 7/26/2012: # 4 Exhibits) (fern). (Additional attachment(s) added on 7/26/2012: # 5 Exh - part 1, # 6 Exh - Part 2, # 7 Exh - part 3, # 8 Exh - part 4, # 9 Exh - Part 5, # 10 Exh - Part 6) (fern). (Additional attachment(s) added on 7/26/2012: # 11 Exh - part 1, # 12 Exh - part 2, # 13 Exh- part 3, # 14 Exh - Part 4, # 15 Exh - Part 5, # 16 Exh - Part 6) (fern). (Additional attachment(s) added on 7/26/2012: # 17 Exhibits - 1, # 18 Exhibits 2, # 19 Exhibits 3, # 20 Exhibits 4, # 21 Exhibits 5, # 22 Exhibits 6, # 23 Exhibits 7, # 24 Exhibits 8) (fem). (Entered: 06/13/2011)
06/13/2011		Submission of 106 MOTION for Summary Judgment, 104 MOTION for Summary Judgment, submitted to District Judge Amy Totenberg. (tcc) (Entered: 06/13/2011)
12/19/2011	121	Guidelines to Parties and Counsel in Cases Proceeding Before the

DATE	NO.	PROCEEDINGS
		Honorable Amy Totenberg. Signed by Judge Amy Totenberg on 12/19/2011. (rvb) (Entered: 12/20/2011)
02/21/2012		MINUTE ORDER. The parties are directed to collaborate and make arrangements to file with the Court the video relating to the balloon test conducted, as reflected in the transcript of the City Council hearing at pages 27-28. The video should be filed no later than February 24, 2012. Entered by Judge Amy Totenberg on 2/21/2012. (acm) (Entered: 02/21/2012)
03/01/2012	122	Request for Leave of Absence for the following date(s): 3/30/12, 4/3/12, 4/4/12, 4/5/12, 4/6/12, 4/9/12, by Regina Benton Reid. (Reid, Regina) (Entered: 03/01/2012)
03/19/2012	123	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 3/19/2012. The conference will resume on Tuesday, March 27 at 10:30 AM. (Court Reporter Elise Evans)(rvb) (Entered: 03/19/2012)
03/27/2012	124	ORDER denying Defendant's 104 Motion for Summary Judgment and granting Plaintiffs 106 Motion for Summary Judgment. The City of Roswell is ORDERED to grant T-Mobile's application for a permit to

DATE	NO.	PROCEEDINGS
		construct a 108-foot tall monopine telecommunications tower on the 2.8 acre parcel of land adjacent to 1060 Lake Charles Drive. Signed by Judge Amy Totenberg on 03/27/2012. (rvb) (Entered: 03/27/2012)
03/27/2012	125	CLERK'S JUDGMENT entered in favor of plaintiff and against defendant. (rvb) -- Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist -- (Entered: 03/27/2012)
03/27/2012		Civil Case Terminated. (rvb) (Entered: 03/27/2012)
03/27/2012	126	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held on 3/27/2012. (Court Reporter Montrell Vann)(acm) (Entered: 03/30/2012)
04/24/2012	127	NOTICE OF APPEAL as to 124 Order on Motion for Summary Judgment,, by City of Roswell, Georgia. Filing fee \$ 455, receipt number 113E-3895281. Transcript Order Form due on 5/8/2012 (Reid, Regina) (Entered: 04/24/2012)
04/24/2012	128	MOTION to Stay <i>Permanent Injunction Pending Appeal</i> with Brief In Support by City of Roswell, Georgia. (Attachments: # 1 Brief In Support of Motion to Stay Permanent Injunction Pending

DATE	NO.	PROCEEDINGS
		Appeal)(Reid, Regina) (Entered: 04/24/2012)
04/25/2012	129	Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re 127 Notice of Appeal (fern) (Entered: 04/25/2012)
05/01/2012	130	USCA Acknowledgment of 127 Notice of Appeal filed by City of Roswell, Georgia. Case Appealed to USCA Case Number 12-12250-B (fem) (Entered: 05/01/2012)
05/03/2012	131	TRANSCRIPT ORDER FORM re 127 Notice of Appeal (Reid, Regina)No transcript needed for appeal purposes. Modified on 5/3/2012 (km). (Entered: 05/03/2012)
05/04/2012	132	PROPOSED CONSENT ORDER Consent Order re: 128 MOTION to Stay <i>Permanent Injunction Pending Appeal</i> . (Taylor, Scott) (Entered: 05/04/2012)
05/04/2012	133	CONSENT ORDER regarding the parties agreement that Plaintiff will neither seek issuance of the permit for the tower that is the subject of this litigation, nor construct the tower until either the Defendant withdraws its appeal, or all litigation before the United States Court of Appeals for the Eleventh Circuit is concluded with a disposition

DATE	NO.	PROCEEDINGS
		requiring issuance of the permit that is the subject of the litigation; The parties agree to use reasonable efforts to cooperate to seek expedited briefing and consideration of the Defendant's appeal. The Court denies as moot 128 Motion to Stay Permanent Injunction Pending Appeal. Signed by Judge Amy Totenberg on 05/04/2012. (rvb) (Entered: 05/04/2012)
06/20/2012		Pursuant to F.R.A.P.11(c), the Clerk certifies that the record is complete for purposes of this appeal, 127 Notice of Appeal. Case Appealed to USCA Case Number 12-12250-B. The entire record on appeal is available electronically. (fem) (Entered: 06/20/2012)
10/01/2013	134	USCA Opinion received (REVERSE AND REMANDED) re: 127 Notice of Appeal filed by City of Roswell, Georgia. In accordance with FRAP 41(b), the USCA mandate will issue at a later date. Case Appealed to usca Case Number 12-12250-BB. (fem) (Entered: 10/02/2013)
11/07/2013	135	Certified copy of JUDGMENT of USCA REVERSING and REMANDING to the District Court for further action of the granting of summary judgment re: 127 Notice of Appeal filed by City of Roswell,

DATE	NO.	PROCEEDINGS
		Georgia. Case Appealed to USCA, 11th Circuit Case Number 12-12250-BB. (bdb) (Entered: 11/07/2013)
11/07/2013		Submission of 135 USCA Judgment and 134 USCA Opinion. Submitted to District Judge Amy Totenberg. (bdb) (Entered: 11/07/2013)
11/08/2013	136	ORDER making the USCA mandate the judgment of this Court re 127 Notice of Appeal Case Appealed to USCA - 11th Circuit Case Number 12-12250. Signed by Judge Amy Totenberg on 11/7/13. (hfm) (Entered: 11/08/2013)
12/12/2013	137	PROPOSED CONSENT ORDER STAYING ACTION. (Taylor, Scott) (Entered: 12/12/2013)
12/19/2013	138	ORDER: The parties agree that this matter shall be stayed until the Supreme Court of the United States rules on the Petition. Should the Supreme Court grant the Petition, the stay entered in this Order shall automatically be extended pending the decision of the Supreme Court. During this period of stay, this action shall be ADMINISTRATIVELY CLOSED. Signed by Judge Amy Totenberg on 12/19/13. (hfm) (Entered: 12/19/2013)
12/19/2013		Civil Case Terminated. (hfm) (Entered: 12/19/2013)

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Docket No. 12-12250

T-MOBILE SOUTH, LLC

v.

CITY OF ROSWELL, GEORGIA

RELEVANT DOCKET ENTRIES

DATE	PROCEEDINGS
04/26/2012	CIVIL APPEAL DOCKETED. Notice of appeal filed by Appellant City of Roswell, Georgia on 04/24/2012. Fee Status: Fee Paid. USDC motion pending: Motion to Stay Permanent Injunction Pending Appeal DE #128 filed on 04/24/2012.
05/02/2012	APPEARANCE of Counsel Form filed by T. Scott Thompson for T-Mobile South, LLC (ECF: Thomas Thompson)
05/02/2012	APPEARANCE of Counsel Form filed by Daniel P. Reing for T-Mobile South, LLC (ECF: Daniel Reing)
05/03/2012	Added Attorney(s) Thomas Scott Thompson for party(s) Appellee T-Mobile South, LLC, in case 12-12250.
05/03/2012	E-filed Appearance of Counsel filed by Attorney Thomas Scott Thompson for Appellee T-Mobile South, LLC in 12-12250 processed.

DATE	PROCEEDINGS
05/03/2012	Added Attorney(s) Daniel Peter Reing for party(s) Appellee T-Mobile South, LLC, in case 12-12250.
05/03/2012	E-filed Appearance of Counsel filed by Attorney Daniel Peter Reing for Appellee T-Mobile South, LLC in 12-12250 processed.
05/03/2012	APPEARANCE of Counsel Form filed by Regina Benton Reid for City of Roswell, Georgia. (ECF: Regina Reid)
05/03/2012	APPEARANCE of Counsel Form filed by Richard A. Carothers for City of Roswell, Georgia. (ECF: Richard Carothers)
05/03/2012	E-filed Appearance of Counsel filed by Attorney Regina Benton Reid for Appellant City of Roswell, Georgia in 12-12250 processed.
05/03/2012	E-filed Appearance of Counsel filed by Attorney Richard A. Carothers for Appellant City of Roswell, Georgia in 12-12250 processed.
05/03/2012	TRANSCRIPT INFORMATION FORM SUBMITTED by Attorney Regina Benton Reid for Appellant City of Roswell, Georgia. No hearings. (ECF: Regina Reid)
05/04/2012	TRANSCRIPT INFORMATION form filed by Attorney Regina Benton Reid for Appellant City of Roswell, Georgia. No hearings.

DATE	PROCEEDINGS
05/08/2012	Appellant's Certificate of Interested Persons and Corporate Disclosure Statement filed by Appellant City of Roswell, Georgia. (ECF: Regina Reid)
05/08/2012	Civil Appeal Statement filed by Attorney Regina Benton Reid for Appellant City of Roswell, Georgia. (ECF: Regina Reid)
05/15/2012	USDC order: Consent Order regarding stay DE #128 - motion is moot. as to Appellant City of Roswell, Georgia was filed on 05/04/2012. Docket Entry 133.
05/17/2012	Appellee's Certificate of Interested Persons and Corporate Disclosure Statement filed by Appellee T-Mobile South, LLC. (ECF: Thomas Thompson)
05/29/2012	Briefing Notice issued to Appellant City of Roswell, Georgia. The appellant brief and record excerpts are due on or before 06/25/2012.
06/22/2012	Appellant's brief filed by City of Roswell, Georgia. Service date: 06/22/2012 [12-12250] Attorney for Appellee: Reing - US mail; Attorney for Appellee: Thompson - US mail. (ECF: Regina Reid)
06/22/2012	Modified brief received on 07/25/2012 from Appellant City of Roswell, Georgia. All deficiencies have been corrected.

DATE	PROCEEDINGS
06/22/2012	Modified record excerpts (4 Volumes) received on 07/25/2012 from Appellant City of Roswell, Georgia. All deficiencies have been corrected.
06/25/2012	Received paper copies of EBrief filed by Appellant City of Roswell, Georgia.
06/25/2012	Expanded Record Excerpts filed by Attorney Regina Benton Reid for Appellant City of Roswell, Georgia. Deficiencies: incomplete Index, no Table of Record References, numbers on indexing tabs do not correspond to the document numbers assigned by the district court, indexing tabs not affixed to all documents in the excerpts, missing portions of the record referenced in the brief and portions of the record required in an appeal from a grant of summary judgement. Service date: 06/22/2012 US mail - Attorneys for Appellee: Reing, Thompson.
07/16/2012	Notice of deficient Appellant's Brief filed by Attorney Regina Benton Reid for Appellant City of Roswell, Georgia. Deficiencies: no Table of Record References, references to the record do not conform to 11th Cir. R. 28-5.
07/16/2012	Notice of deficient Expanded Record Excerpts filed by Attorney Regina Benton Reid for Appellant City of Roswell, Georgia. Deficiencies: incomplete Index, no Table of Record

DATE	PROCEEDINGS
07/25/2012	<p>References, numbers on indexing tabs do not correspond to the document numbers assigned by the district court, indexing tabs not affixed to all documents in the excerpts, missing portions of the record referenced in the brief and portions of the record required in an appeal from a grant of summary judgement.</p> <p>Corrected Appellant's Brief filed by Appellant City of Roswell, Georgia. Service date: 06/22/2012 US mail Attorney for Appellees: Reing, Thompson; email - Attorney for Appellees: Reing, Thompson. (ECF: Regina Reid)</p>
07/26/2012	<p>Appellee's Brief filed by Appellee T-Mobile South, LLC. Service date: 07/26/2012 US mail - Attorney for Appellants: Carothers, Reid; email - Attorney for Appellants: Carothers, Reid. (ECF: Thomas Thompson)</p>
07/27/2012	<p>Received paper copies of EBrief filed by Appellee T-Mobile South, LLC.</p>
07/27/2012	<p>Supplemental Expanded Record Excerpts filed by Attorney Thomas Scott Thompson for Appellee T-Mobile South, LLC. Service date: 07/26/2012 email - Attorney for Appellants: Carothers, Reid; Attorney for Appellees: Reing, Thompson; US mail - Attorney for Appellees: Barr, Taylor.</p>

DATE	PROCEEDINGS
08/09/2012	Reply Brief filed by Appellant City of Roswell, Georgia. Service date: 08/09/2012 US mail - Attorney for Appellees: Reing, Thompson; email - Attorney for Appellees: Reing, Thompson. (ECF: Regina Reid)
08/10/2012	Received paper copies of EBrief filed by Appellant City of Roswell, Georgia.
08/22/2012	Assigned to tentative calendar number 10 in Atlanta during the week of January 7, 2013. [12-10709, 12-12250, 11-15778]
09/19/2012	Assigned to tentative calendar number 13 in Atlanta during the week of January 28, 2013.
11/02/2012	Oral argument scheduled. Argument Date: Tuesday, 01/29/2013 Argument Location: Atlanta Courtroom: Atlanta 339.
01/29/2013	Oral argument held. Oral Argument participants were Regina Benton Reid for Appellant City of Roswell, Georgia and Thomas Scott Thompson for Appellee T-Mobile South, LLC.
05/28/2013	Appellee's AMENDED Certificate of Interested Persons and Corporate Disclosure Statement filed by Appellee T-Mobile South, LLC. (ECF: Thomas Thompson)

DATE	PROCEEDINGS
09/16/2013	Counsel is directed to file supplemental letter briefs by 9/23/13 2pm (10 pages).
09/16/2013	Public Communication: Parties and Counsel to file supplemental letter briefs by 9/23/13 2pm, 10 pages.
09/23/2013	Supplemental Appellee's Letter Brief filed by Appellee T-Mobile South, LLC. Service date: 09/23/2013 email - Attorney for Appellants: Carothers, Reid. (ECF: Thomas Thompson)
09/23/2013	Supplemental Appellant's Letter Brief filed by Appellant City of Roswell, Georgia. Service date: 09/23/2013 US mail - Attorney for Appellees: Barr, Taylor; email - Attorney for Appellees: Reing, Thompson. (ECF: Regina Reid)
10/01/2013	Judgment entered as to Appellant City of Roswell, Georgia.
10/01/2013	Opinion issued by court as to Appellant City of Roswell, Georgia. Decision: Reversed and Remanded. Opinion type: Published. Opinion method: Signed.
11/07/2013	Mandate issued as to Appellant City of Roswell, Georgia.
12/26/2013	Extension for filing certiorari GRANTED by U.S. Supreme Court as to Appellee T-Mobile South, LLC. to 2/13/14

DATE	PROCEEDINGS
02/18/2014	Notice of Writ of Certiorari filed as to Appellee T-Mobile South, LLC. SC# 13-975.
05/05/2014	Writ of Certiorari filed as to Appellee T-Mobile South, LLC is GRANTED. The motion of Competitive Carriers Association for leave to file a brief as amicus curiae is granted. SC# 13-975.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

[Filed May 13, 2010]

Civil Action File 1:10-cv-01464

T-MOBILE SOUTH LLC,
Plaintiff,

v.

CITY OF ROSWELL, GEORGIA,
Defendant.

VERIFIED COMPLAINT

NOW COMES Plaintiff T-Mobile South LLC (“Plaintiff”), by and through its undersigned counsel of record, and shows this Honorable Court as follows:

INTRODUCTION

1.

This is an appeal and action for injunctive relief, brought pursuant to the Telecommunications Act of 1996, Pub. L. 104-104 § 704, 110 Stat. 56 (Codified in 47 U.S.C.A. § 332(c)) (the “Telecommunications Act”). Defendant’s denial of Plaintiff’s application for a permit to build and operate a wireless facility or “cell site” on property adjacent to 1060 Lake Charles Drive, Roswell, Georgia 30075, violates Plaintiff’s rights under the Telecommunications Act and the Constitution of the State of Georgia. Further, Defendant’s unlawful acts entitle Plaintiff to

injunctive relief compelling Defendant to grant Plaintiff a permit for construction and operation of a cell site at the designated location.

JURISDICTION AND VENUE

2.

This Court has jurisdiction over this matter pursuant to the Telecommunications Act (42 U.S.C. § 332(c)), 28 U.S.C. § 1331 and principles of pendent jurisdiction. Venue is proper in this Court under the Telecommunications Act and 28 U.S.C. § 1391 because the proposed structure site is located within this District. The Defendant is a duly organized and authorized governing body within this District and the acts described herein occurred within this District.

PARTIES

3.

Plaintiff is a Delaware limited liability company with its principal place of business in Bellevue, Washington. Plaintiff is qualified to do business in the State of Georgia, maintains an office in Georgia, is registered to do business under the name “T-Mobile” and operates a wireless network providing personal wireless services and advanced wireless services as defined by federal law in the State of Georgia.

4.

Defendant Roswell, Georgia (the “City”), is a political subdivision in the State of Georgia and is subject to the jurisdiction and venue of this Court. The City may be served by serving a copy of the Complaint upon Jere Wood, Mayor, City of Roswell, Georgia, 38 Hill Street, Roswell, Georgia 30075.

FACTS

5.

Wireless telephone service is essential to public safety and convenience, and providing dependable coverage is remarkably important to the safety of both residential and mobile users of wireless services. Since Congress amended the Telecommunications Act in 1996, there has been a sea change in the manner in which Americans use wireless services. According to the FCC, nearly everyone carries a wireless device. See Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services (2008) ¶ 244, p. 107. From 1996 to 2009, the number of wireless telephone users increased more than fivefold—from 44 million to more than 276 million wireless subscribers. There are now more wireless subscriptions than landline telephone subscriptions in the United States. Approximately 80% of all Americans, and over 90% of those in the 20 to 49 age range, own wireless phones. For many Americans, wireless services have become an indispensable replacement for traditional landline telephones.

6.

In 2003, the number of “wireless-only” households was three percent. According to a survey recently released by the Centers for Disease Control and Prevention, by the end of 2008 the number of “wireless-only” households had increased to 20%—more than six times greater than it had been in 2003. This trend is even more prevalent among younger adults, where over one-third of all adults aged 19-24 live in “wireless-only” households and nearly 40% of households with adults aged 25-29. Americans are

opting increasingly to use their cell phones over their landline telephones. From 1996 to 2004, Americans more than quadrupled their time spent talking on their cell phones, while markedly reducing the number of long-distance and local calls made over conventional landlines.

7.

For Americans living in wireless-only homes and those outside of their homes, cell phones are often their only lifeline in emergencies. Since 1995, the number of 911 calls made by people using wireless phones has more than quintupled. Public safety agencies estimate that more than 290,000 emergency 911 calls are placed from cell phones every day.

8.

The vast decrease in the use of traditional land lines by households and the concurrent sizable increase in the use of wireless phones within households as their predominant means of telecommunications have significantly affected wireless services providers. The ability to provide reliable in home wireless coverage is critical to the ability of wireless service providers to remain competitive in one of America's most competitive industries.

9.

Plaintiff exercises rights under a license authorized by the Federal Communications Commission (the "FCC") to provide Commercial Mobile Radio Services, as defined in federal law, within Plaintiff's designated frequency spectrum assigned by the FCC in 1.7, 1.9 and 2.1 gigahertz bands in the licensed area of Metropolitan Atlanta, Georgia, including Roswell, Georgia.

38

10.

Pursuant to FCC license, Plaintiff is required to provide wireless telephone services to its customers within the licensed area. Plaintiff is currently engaged in expanding its coverage within boundaries established by the FCC rules and regulations, and complies with all tower requirements by the Federal Aviation Administration (the "FAA"), and utilizes equipment that has been approved by the FCC and the FAA.

11.

Plaintiff is building out its infrastructure in the area covered by the FCC license, including Roswell, Georgia, in order to establish its network and provide high quality service in the area.

12.

Pursuant to the FCC license, Plaintiff is mandated to ensure that its wireless telephone signal strength is sufficient to provide proper reception and communication within the licensed area. As a result, Plaintiff needs a network of cell sites throughout the licensed area. This overlapping grid pattern of cell sites enables a customer's call to be handed off from one cell site to another as the customer moves through the area. If Plaintiff is prevented from installing a cell site within a specific geographic area, then T-Mobile is unable to provide service to customers within that area.

13.

Plaintiff's engineers develop propagation studies by using sophisticated radio frequency propagation prediction software that accurately identifies where new cell sites need to be located in order to provide reliable coverage within an area. These propagation

studies take into account such factors as the topography of the land, existing tall structures, vegetation, the coverage boundaries of neighboring cells and other factors to predict the wireless coverage that can be achieved over a defined geographic area if the antennas for a new cell site are located in a certain area and at a particular height above ground level.

14.

Plaintiff's coverage must be sufficient to make it competitive in the marketplace in order to fulfill the competitive mandates and purposes of the TCA. The coverage level must be more than a minimal level of coverage, particularly because customers use their wireless devices with increasing frequency in their homes and businesses as replacements for traditional "land line" phones.

15.

Plaintiff's need for a network of cell sites does not mean that it requires, or even desires, to place new towers or structures throughout the licensed area. To the contrary, Plaintiff is committed to co-location with other mobile telecommunications providers on existing towers or locating on other structures, whenever possible. Indeed, 16 of 19 (84%) of Plaintiff's antenna facilities in the City of Roswell are co-located on pre-existing towers or structures.

16.

Plaintiff has investigated various sites for its cell site to avoid coverage gaps and service quality problems in Roswell, Georgia. Plaintiff's engineers established a "search ring" within which a cell site must be located in order to achieve Plaintiff's coverage and network quality goals.

40

17.

To address certain of its coverage issues, Plaintiff examined the City of Roswell Master Wireless Facilities Siting Plan (the "Siting Plan"), adopted by the City in July 2003. The Siting Plan identifies what are essentially "preferred locations" for wireless facilities in the City, and provides for location of wireless facilities on property owned, leased or controlled by the City. Plaintiff identified such a "preferred location", known as Roswell Fire Station No. 3, that would enable Plaintiff to construct a wireless facility that would aid in addressing certain of Plaintiff's coverage issues in the City. Because Fire Station No. 3 appeared on the Master Siting Plan, Plaintiff would be able to construct a wireless facility at Fire Station No. 3 by entering into a lease agreement with the City.

18.

In October 2008, Plaintiff approached the City about a lease to locate a wireless facility at Fire Station No. 3.

19.

Before the City would enter into a lease with Plaintiff, Mayor Jere Wood directed the City Planning Staff to obtain "neighborhood input" on the proposed facility, despite the fact that Fire Station No. 3 had already been identified as a preferred location on the Siting Plan.

20.

At the specially-called neighborhood meeting that followed, area residents appeared to protest the proposed facility, arguing that it would result in negative aesthetics, adverse health effects and that it

41

would purportedly diminish property values. The area residents demanded that Fire Station No. 3 be removed from the Siting Plan. At the time, Mayor Wood noted, correctly, that “the issue here is that there are no commercial sites anywhere in the area in which [Plaintiff] need[s] the tower.”

21.

Despite the recognized need for the facility, the fact that there were no commercial sites available, and the fact that Fire Station No. 3 was an approved site on the Siting Plan, the City bowed to political pressure, ignored its own ordinance and Siting Plan, and refused to enter into a lease for the site at Fire Station No. 3.

22.

Further, the City then removed Fire Station No. 3 from the Siting Plan via an amendment to the City Code.

23.

Following the events surrounding the Fire Station No. 3 site, Plaintiff “re-worked” the search area to attempt to find an alternative location. Plaintiff’s engineers have determined that a cell site is needed at or near a parcel of property located at 1067 Lake Charles Drive, Roswell, Georgia 30075 (the “Property”), which is owned by Robert Shearer. The Property is a 2.8 acre parcel. Location of a cell site upon the Property would provide coverage in an area where coverage currently either does not exist, is extremely weak, or is below the level of coverage necessary for Plaintiff to be competitive in the marketplace. Plaintiff’s engineers have determined that a co-location is not possible in this case because there is no existing tower or other structure which met

42

engineering specifications in or near the search area established for the proposed structure.

24.

Therefore, Plaintiff negotiated a lease with the Property owner, who agreed to lease a parcel of the Property, with an access easement, to Plaintiff for purposes of locating the antenna on the Property.

25.

The Property is located within the City of Roswell and is zoned "E-2" (Residential). A true and correct copy of a diagram depicting the Property and the location of the proposed structure is attached as part of Exhibit "1". The Property is more fully described in the legal description a true and correct copy of which is attached hereto as Exhibit "2".

26.

Telecommunications towers in the "E-2" classification are permitted following approval by the Roswell City Council, pursuant to the City's Standards for Wireless Communications Facilities (the "Ordinance").

27.

On or about February 2, 2010, Plaintiff filed an application seeking permission to construct a 108 ft. stealth "monopine" telecommunications tower on the Property. A monopine tower is a telecommunications tower that is designed to resemble a pine tree. The application ("Application") was accepted by the City. A true and correct copy of the Application is attached hereto as Exhibit "3".

43

28.

The Application met all requirements for obtaining a permit for a telecommunications tower as set forth in the Ordinance. A true and correct copy of the Ordinance which addresses telecommunications towers, and the issuance of permits for telecommunications towers, is attached hereto as Exhibit "4".

29.

The Ordinance provides guidelines and requirements for telecommunications towers and antennas, and sets forth the requirements for a permit for the location and construction of telecommunication towers.

30.

The Ordinance requires that a scaled site plan of the proposed wireless facility including elevations, accessory structures, topography, parking, proximity to adjacent roadways, proposed means of access, and setbacks for property lines be included with the Application. Ordinance, Section 21.2.4(c)(1). Plaintiff's Application included this requested information.

31.

The Ordinance requires that a legal description of the parent tract and leased parcel be included with the Application. Ordinance, Section 21.2.4(c)(2). Plaintiff's Application complies with this requirement.

32.

The Ordinance requires an applicant to provide a definition of the area of coverage and radio frequency goals to be served by the proposed wireless facility and

44

to describe the nature of the need for the proposed facility. Ordinance, Section 21.2.4(c)(3). Plaintiff's Application included this requested information.

33.

The Ordinance requires an applicant to identify the setback distance between the proposed facility and the nearest residential unit or residentially-used structure. Ordinance, Section 21.2.4(c)(4). Plaintiff's Application complies with this requirement.

34.

Plaintiff's Application complied with the landscaping requirement contained in the Ordinance, by incorporating a landscaping plan to shield the ancillary facilities at the base of the tower. *See* Ordinance, Section 21.2.4(c)(6). In addition, the property is wooded, shielding the proposed site from adjacent properties.

35.

Pursuant to the requirements set forth by the FAA, the telecommunications tower provided for in Plaintiff's Application would not be lighted.

36.

Plaintiff's Application met or exceeded standards and regulations of the FAA, the FCC and all other agencies of the federal government with authority to regulate antennas and towers.

37.

Plaintiff's proposed tower and security fencing, when built, would meet requirements of all building codes and safety standards regarding the structural integrity and construction of the proposed tower.

45

38.

Plaintiff demonstrated that no existing antenna, tower, or structure could accommodate Plaintiff's proposed antenna.

39.

The tower proposed by Plaintiff met all setback and separation requirements contained in the Ordinance.

40.

The nature of uses on adjacent and nearby properties is primarily residential. The Property is undeveloped, and is heavily wooded. The Property owner's residence is located on an adjacent parcel. The Property is in a residentially-zoned area which completed its growth and development several years ago. The Property has mature tree coverage and vegetation. The Property is bounded on all sides by property zoned "E-2", including the Property owner's parcel to the west. Beyond the residentially-zoned properties to the east is Lake Charles Drive.

41.

Section 21.2.4(a) of the Ordinance provides factors to be considered by the Defendant in determining whether to issue a permit for a wireless telecommunications facility. All of the factors were addressed by Plaintiff, and all of the requirements of the Ordinance were met or exceeded.

42.

Plaintiff submitted revised site plans reflecting certain changes to the planned development of the site. A true and correct copy of the revised site plan is attached hereto as Exhibit "5".

46

43.

Plaintiff also submitted a letter to the City suggesting that the City reconsider its decision on the Fire Station No. 3 site. A true and correct copy of the letter is attached hereto as Exhibit "6". The City never responded to this letter.

44.

Plaintiff's Application was reviewed by the Defendant's Planning and Zoning Staff who are employed by the Defendant to evaluate such applications (the "Planning Staff").

45.

The Planning Staff applied the Defendant's standards adopted for issuance of wireless telecommunications facility permits to the Application, and determined that Plaintiff complied with all objective standards set out in the Ordinance. A true and correct copy of the Planning Staff's analysis is attached hereto as Exhibit "7".

46.

The Planning Staff recommended a finding that the proposed monopine structure is compatible with the natural setting and surrounding structures in the area.

47.

The Planning Staff noted as follows:

Should the Mayor and City Council approve the application for a mono-pine alternative tower structure, the staff would recommend the application be approved with the following conditions:

1. The applicant/developer shall construct the mono-pine structure not to exceed 108 feet, located 120 feet east of the west property line and in conformance with the plans submitted to the City of Roswell Community Development Department stamped received "March 24, 2010."
2. The applicant/developer, T-Mobile shall construct a black vinyl fence with black screening so the facility equipment cannot be seen through the fence. The type of fencing shall be approved by the Roswell Design Review Board.
3. The applicant/developer, T-Mobile shall install thirty-three (33) evergreen trees around the lease area to screen the view of the structure and equipment facilities from the residential homes located to the east of the property. A variety of evergreen trees and the placement of the trees shall be approved the City Arborist and the Roswell Design Review Board.

See Exhibit "7", pg. 4. All of the conditions were acceptable to T-Mobile except the relocation of the proposed tower to the location recommended by the Staff, as the Property owner was not agreeable to the move.

Further, although it was not obligated to do so but in an effort to be cooperative, Plaintiff submitted

48

responses to a lengthy list of questions propounded by a citizens group via the City's Planning Staff. A true and correct copy of Plaintiff's responses are attached hereto as Exhibit "8".

49.

The Defendant heard Plaintiff's Application on April 12, 2010. In the presentation on Plaintiff's Application, Plaintiff reiterated that its Application met all the requirements of the Ordinance. A true and correct copy of the transcript of the April 12, 2010 hearing is attached hereto as Exhibit "9".

50.

Plaintiff demonstrated to Defendant that, as noted by the Planning Staff, it met the specified standards and criteria for the grant of a permit for the location of the tower on the subject Property.

51.

Plaintiff presented evidence that the location for the proposed structure was appropriate and would serve the residents and businesses of the City. Plaintiff demonstrated that the proposed structure was part of a plan for extending Plaintiff's network, and coverage, within Roswell, Georgia.

52.

Plaintiff's design will not disturb the existing vegetation on the Property.

53.

Plaintiff presented evidence that the cell site consists of cabinets for its radio equipment and the tower which would support its antennas. This cell site would be an unmanned site that would require only

49

one or two visits per month to perform routine maintenance.

54.

Plaintiff presented evidence that there was no existing tower or alternative structure located in the search area that would accommodate its cell site and coverage needs. Further, Plaintiff presented evidence that the structure would be designed to allow for collocation which would assist in minimizing the number of additional towers or structures needed in the area.

55.

Plaintiff presented evidence that there is no technically suitable space on an existing tower site within or near its established search area.

56.

Plaintiff presented a letter from a radiofrequency engineer regarding the proposed tower and Plaintiff presented radiofrequency propagation maps demonstrating the poor and/or non-existent coverage in the area, further demonstrating the need for the proposed tower. See copies of January 26, 2010 letter from radiofrequency engineer and copies of radiofrequency propagation maps presented to Defendant, attached hereto for as Exhibit "10". The radiofrequency engineer was also present at the April 12, 2010 hearing. She addressed numerous technical and system design questions posed by the Defendant and by various citizens. *See* Exhibit "9" at pgs. 16-21 and 92-97.

57.

Plaintiff also presented a diagram showing the location of the proposed tower and the zoning of all of the parcels in the search ring and in the surrounding

50

area. A true and correct copy of the diagram is attached hereto as Exhibit "11". In the Application and at the April 12, 2010 hearing, Plaintiff's representative described the search process. See Exhibit "3" at pgs. 4-5 and Exhibit "9" at pgs. 12-16, 83-87. The site selection process is also discussed in Exhibit "10" at pgs. 2-3.

58.

Plaintiff's representative discussed the fact that there are no other properties within the search ring that, because of restrictions under the Ordinance, are available for the proposed tower.

59.

Plaintiff presented evidence that it would construct and maintain the structure in compliance with local, state and federal requirements and applicable standards published by the Electronic Industries Association.

60.

The site plan proposed by Plaintiff provides for a security fence with an anti-climbing device and a locked gate entrance.

61.

Plaintiff presented evidence that the support equipment located at the base of the proposed structure would be screened by natural buffers and landscaping. Plaintiff presented balloon test photos showing a photograph of a weather balloon floated at 108 ft. from various vantage points around the proposed site. Plaintiff also presented photographic simulations of the tower at the proposed site based upon the balloon test performed at the site. Copies of

51

the balloon test photos and photo simulations are attached as Exhibit "12".

62.

Plaintiff also addressed the concern about purported diminution of property values resulting from the proposed tower. Plaintiff presented property valuation studies that indicate that the existence of a wireless telecommunications structure does not result in decreased property values for properties located in the area of the tower. Plaintiff had present a property appraisal professional who conducted and submitted the studies regarding the effect of cell towers on property values and who discussed his conclusion that cell towers do not result in a diminution of property values. See true and correct copies of property appraisals attached hereto as Exhibit "13" and Exhibit "9" at pgs. 87-91.

63.

The proposed tower complies with all requirements set forth in the Ordinance.

64.

The proposed tower site is not located in an area in which tower construction is prohibited.

65.

The proposed structure will not increase or overtax the load on public facilities.

66.

The proposed structure will not result in increased cost to the City.

67.

The proposed structure will not adversely impact the environment.

52

68.

The proposed structure will not deter the value or impede the development of adjacent property.

69.

At the April 12, 2010 hearing, several citizens spoke in opposition to the proposed facility primarily voicing generalized aesthetic concerns, speculating about the possible diminution of property values that would be caused by the proposed tower, speculating about the signal coverage afforded by the tower, and speculating about T-Mobile's "true" motives for constructing the tower.

70.

Following the presentations by Plaintiff and the opposition, several Commissioners commented about the Application and the presentations from Plaintiff and from the opposition. Councilman Igleheart made the completely incorrect and unsupported statement with respect to the Application that "[i]t's not our mandate to level the field for inferior technology." Further, ignoring the facts that the entire search area for the site is residentially zoned and that the Ordinance allows towers in residentially-zoned areas, Councilman Igleheart noted his belief that "I just don't think it's appropriate for residentially zoned properties to have cell towers in their location." Councilman Dippolito echoed this comment by stating "I think it's pretty hard to look at a cell tower like this and to not consider that would have an adverse impact on a residential area." This statement also reflects an intent to preclude and prohibit telecommunications towers from residential areas despite the fact that the entire search area is residentially-zoned and that the

53

Ordinance allows the construction of wireless telecommunications facilities in residentially-zoned areas.

71.

The undisputed evidence of record demonstrates that the proposed tower will comply with all requirements of the Ordinance.

72.

The record evidence demonstrates that the proposed tower will not detract from the aesthetic appeal of the surrounding area.

73.

Further, generalized aesthetic concerns are an insufficient basis for denial of a telecommunications tower tall structures permit.

74.

Despite the evidence showing that the proposed tower meets or exceeds all requirements of the Ordinance, the Application was denied.

75.

Defendant issued a letter dated April 14, 2010 denying the Application. The letter gives no reasons for the denial. A true and correct copy of the denial letter is attached hereto as Exhibit "14".

76.

Defendant knew that the denial of the Application or the imposition of unreasonable conditions would have the effect of prohibiting the expansion of Plaintiff's wireless network in such a manner as to cause coverage gaps in the area, or to negatively

54

impact the network by causing an inability of Plaintiff's system to properly function.

77.

Upon information and belief, other providers of services that are functionally equivalent to those provided by Plaintiff are able to provide reliable, uninterrupted, in-building wireless telephone services to their customers. Indeed, as noted by Councilman Igleheart, "other carriers apparently have sufficient coverage in this area."

78.

Defendant knew that denial of the Application or the imposition of unreasonable conditions would have the effect of unreasonably discriminating against Plaintiff and in favor of other providers of services functionally equivalent to those services provided by Plaintiff.

79.

At the hearing on its Application, Plaintiff presented in detail the need for the proposed structure and submitted its evidence regarding Plaintiff's compliance with all requirements of the Ordinance relating to telecommunication towers.

80.

Defendant, in making its denial, did not comply with the City's law, nor with the law of the State of Georgia, nor with the law of the United States.

81.

As a result, Plaintiff has been deprived of its rights to use the Property in accordance with the law for a use permitted under the law.

55

82.

In addition, Plaintiff's legal remedy is inadequate, and there has been a defect of legal justice.

83.

Plaintiff has suffered and continues to suffer a substantial detriment and damages as a result of the actions of Defendant.

84.

Unless the Plaintiff's Application is granted and a permit is issued, Defendant will continue to refuse to issue the approvals necessary to place the structure on the Property.

85.

Defendant has been stubbornly litigious with regard to this Application. Specifically, Defendant arbitrarily and capriciously refused to enter into a lease for the proposed site at Fire Station No. 3, despite the fact that it was a preapproved site contained in the Siting Plan. Left with no alternative, Plaintiff sought to place its tower on the Property, another site which meets all requirements contained in the Ordinance, and Defendant denied that site as well. Finally, despite the fact that Defendant's Ordinance permits the construction of tower in residentially-zoned areas, it is clear that the City will refuse to approve a tower for construction in a residential area absent a court order.

86.

Defendant's actions and conduct in connection with the denial of the permit represented in the Application, as well as Defendant's conduct with respect to the proposed site at Fire Station No. 3, have

56

occurred in bad faith and have caused Plaintiff unnecessary trouble and expense. Defendant has been stubbornly litigious.

87.

The issue of the location of wireless telecommunications facilities is an issue of national and federal concern.

COUNT I—VIOLATION OF THE
TELECOMMUNICATIONS ACT

(DECISION NOT SUPPORTED BY
SUBSTANTIAL EVIDENCE)

88.

The allegations contained in the foregoing paragraphs are hereby incorporated by reference as if rewritten in their entirety.

89.

The Telecommunications Act became effective on February 8, 1996. Section 332(c) of 47 U.S.C.A. provides, in pertinent part, as follows:

- (i) The regulation of the placement, construction and modification of personal wireless service facilities by any State or local government or instrumentality thereof—
 - (I) shall not unreasonably discriminate among providers of functionally equivalent services; and
 - (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services;

- (ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.
- (iii) Any decision by a State or local government or instrumentality thereof to deny a request for authorization to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record; and
- (iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions.

47 U.S.C.A. § 332(c)(7)(B).

90.

The Telecommunications Act further provides that:

- (v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any

58

court of competent jurisdiction. The court shall hear and decide such action on an expedited basis . . .

Id.

91.

Plaintiff is entitled to the protections of the Telecommunications Act. Plaintiff's Application constituted a request to place and construct a cell site on the subject Property.

92.

Defendant's denial of Plaintiff's Application was not supported by substantial evidence. Therefore, Defendant's denial of Plaintiff's Application constituted a violation of the Telecommunications Act.

93.

The failure and refusal of the Defendant to approve Plaintiff's Application is based upon materially incorrect findings of fact and a misunderstanding or misapplication of the applicable laws.

94.

Plaintiff has no adequate remedy at law and will suffer irreparable injury unless the relief requested is granted.

95.

Plaintiff is entitled to expedited issuance of an injunction directing Defendant to approve Plaintiff's Application and to issue the permit that is the subject of the Application.

96.

Plaintiff is entitled to recovery of its attorneys' fees in this action.

COUNT II—VIOLATION OF THE
TELECOMMUNICATIONS ACT

(PROHIBITION OF WIRELESS SERVICES)

97.

The allegations contained in the foregoing paragraphs are hereby incorporated by reference as if rewritten in their entirety.

98.

As a consequence of Defendant's denial of the Application, Plaintiff will be unable to fill a gap in coverage necessary to provide competitive, reliable, uninterrupted, in-building wireless telephone services to its customers. Plaintiff's ability to render quality service to Defendant's own constituents will be hampered substantially.

99.

Defendant's actions have the effect of prohibiting the provision of personal wireless services in a given area in violation of federal law, and should be reversed under the authority of 47 U.S.C.A. § 332(c)(7)(B)(v).

100.

Plaintiff has no adequate remedy at law and will suffer irreparable injury unless the relief requested is granted. Plaintiff is entitled to expedited issuance of an injunction directing Defendant to issue the permit sought in Plaintiff's Application.

101.

Plaintiff is entitled to recovery of its attorneys' fees in this action.

COUNT III—VIOLATION OF THE
TELECOMMUNICATIONS ACT

(UNREASONABLE DISCRIMINATION AMONG
PROVIDERS OF FUNCTIONALLY EQUIVALENT
SERVICES)

102.

The allegations contained in the foregoing paragraphs are hereby incorporated by reference as if rewritten in their entirety.

103.

Other providers of services that are functionally equivalent to those provided by Plaintiff are able to provide reliable, uninterrupted, in-building wireless telephone services to their customers.

104.

As a consequence of Defendant's denial of the Application, Plaintiff will be unable to provide competitive, reliable, uninterrupted, in-building wireless telephone services to its customers. Plaintiff's ability to render quality service to Defendant's own constituents will be hampered substantially.

105.

Defendant's actions have the effect of unreasonably discriminating among providers of functionally equivalent services in violation of federal law, and should be reversed under the authority of 47 U.S.C. § 332(c)(7)(B)(v).

61

106.

Plaintiff has no adequate remedy at law and will suffer irreparable injury unless the relief requested is granted. Plaintiff is entitled to expedited issuance of an injunction directing Defendant to issue the permit sought in Plaintiff's Application.

107.

Plaintiff is entitled to recovery of its attorneys' fees in this action.

WHEREFORE, Plaintiff prays as follows:

(a) That summons and process issue and that the Defendant be served as provided by law;

(b) That this Court issue an Order granting an injunction or other mandatory equitable relief compelling Defendant to issue the tall structures permit sought by Plaintiff;

(c) That this Court set aside and declare the decision of the Defendant on Plaintiff's Application to be unlawful, unconstitutional, null and void;

(d) That this Court hold a hearing on an expedited basis as to Plaintiff's claims under the Telecommunications Act;

(e) That this case be given any and all preferences on the Court's calendars as may be required by law;

(f) That the Clerk of the Roswell City Council be required to forward the entire record on an expedited basis, including all exhibits, evidence, documents, video and tape recordings, and other matters collected in connection with Defendant's consideration of the Application to this Court for use in connection with the relief sought by Plaintiff; and

(g) For such other, further and different relief as the Court may deem just and proper under the evidence and the law.

ARNALL GOLDEN GREGORY LLP

/s/ Scott E. Taylor

Scott E. Taylor

Georgia Bar No. 785596

J. Tucker Barr

Georgia Bar No. 140868

Counsel for Plaintiff

T-Mobile South LLC

171 17th Street, NW, Suite 2100

Atlanta, Georgia 30363

(404) 873-8500

(404) 873-8501 (Fax)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Civil Action File No. _____

T-MOBILE SOUTH LLC,
Plaintiff,

v.

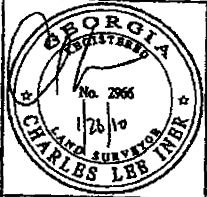
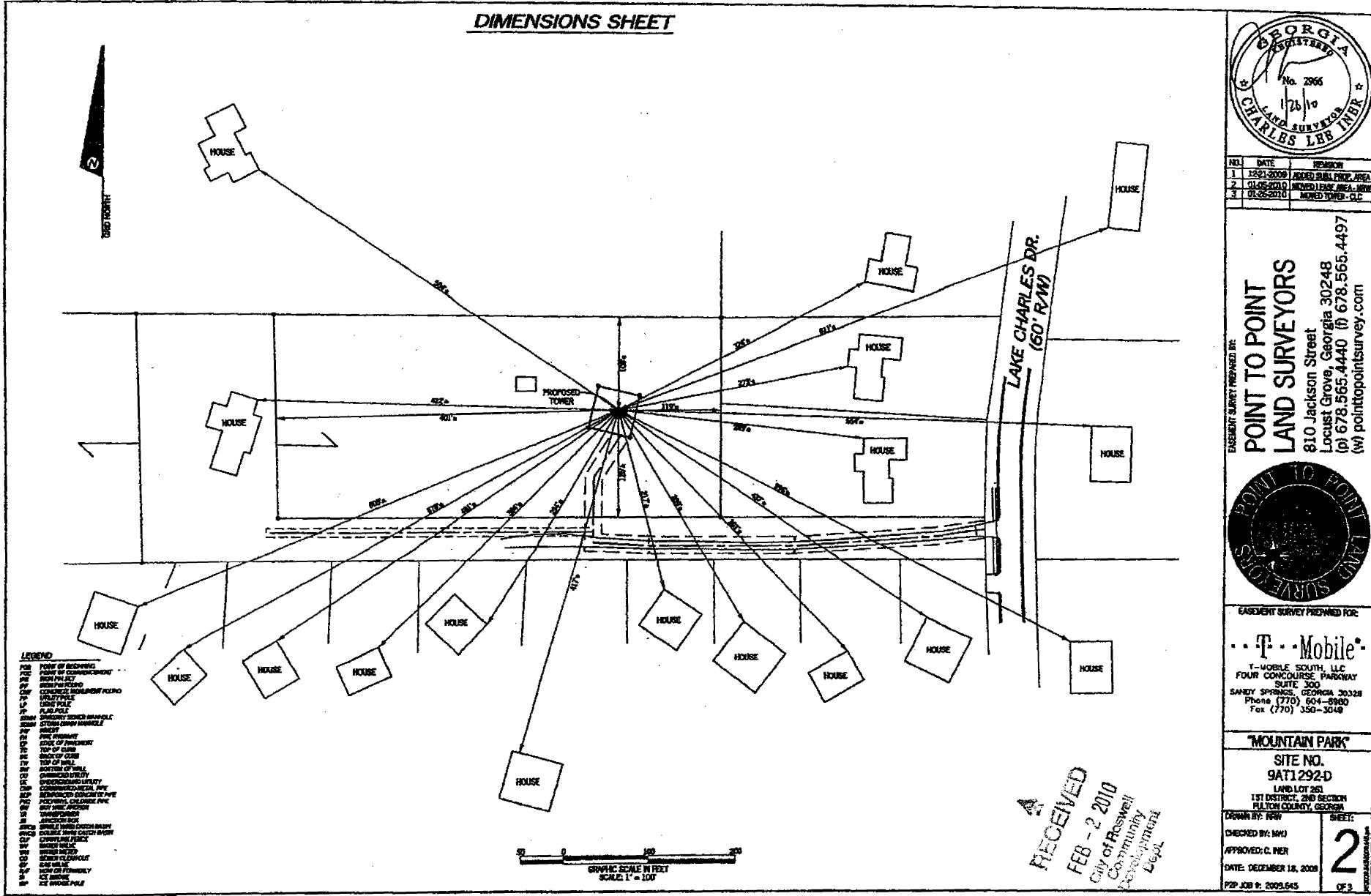
GWINNETT COUNTY, GEORGIA,
Defendant.

VERIFICATION

I **GREG HAZLEHURST** hereby declare under penalty of perjury that the facts contained in the foregoing Verified Complaint are true and correct.

Executed on this 7th day of May, 2010.

/s/ Greg Hazlehurst
Greg Hazlehurst
Manager of Civil Construction
T-Mobil- South LLC



NO.	DATE	REVISION
1	12-21-2009	PROPOSED TOWER AREA
2	01-15-2010	PROPOSED TOWER AREA
3	01-26-2010	PROPOSED TOWER AREA

POINT TO POINT LAND SURVEYORS
 810 Jackson Street
 Locust Grove, Georgia 30248
 (p) 678.565.4440 (f) 678.565.4497
 (w) pointtopointsurvey.com



EASEMENT SURVEY PREPARED FOR:
T-Mobile
 T-MOBILE SOUTH, LLC
 FOUR CONCOURSE PARKWAY
 SUITE 300
 SANDY SPRINGS, GEORGIA 30328
 Phone (770) 504-3880
 Fax (770) 350-3048

"MOUNTAIN PARK"
 SITE NO.
 9AT1292-D
 LAND LOT 261
 1ST DISTRICT, 2ND SECTION
 FULTON COUNTY, GEORGIA

DRAWN BY: NWH
 CHECKED BY: NWH
 APPROVED: C. INER
 DATE: DECEMBER 18, 2009
 P2P JOB #: 2009.645

SHEET:
2
OF 3

LEGAL DESCRIPTION SHEET

SUBJECT PROPERTY

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 261, 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
TO FIND THE POINT OF BEGINNING, COMMENCE AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE LINE COMMON TO LAND LOTS 261 AND 262 AND THE WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE (HAVING A 60-FOOT RIGHT-OF-WAY); THENCE LEAVING SAID INTERSECTION AND RUNNING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE, NORTH 01°36'53" WEST, 30.02 FEET TO A 1/2" REBAR FOUND; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE AND RUNNING, NORTH 89°56'01" WEST, 308.01 FEET TO A 1/2" REBAR FOUND AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, NORTH 89°56'04" WEST, 517.50 FEET TO A POINT; THENCE, NORTH 01°29'58" WEST, 236.43 FEET TO A POINT; THENCE, SOUTH 89°32'30" EAST, 523.17 FEET TO A POINT; THENCE, SOUTH 00°06'17" WEST, 232.78 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.
SAID TRACT CONTAINS 2.8019 ACRES (122,050 SQUARE FEET), MORE OR LESS.

PROPOSED 20' INGRESS-EGRESS & UTILITY EASEMENT #1

TOGETHER WITH A PROPOSED 20-FOOT WIDE INGRESS-EGRESS AND UTILITY EASEMENT LYING AND BEING IN LAND LOT 261, 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA, BEING DESCRIBED BY THE FOLLOWING CENTERLINE DATA:
TO FIND THE POINT OF BEGINNING, COMMENCE AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE LINE COMMON TO LAND LOTS 261 AND 262 AND THE WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE (HAVING A 60-FOOT RIGHT-OF-WAY); THENCE LEAVING SAID INTERSECTION AND RUNNING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE, NORTH 01°36'53" WEST, 35.85 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE AND RUNNING, NORTH 81°51'03" WEST, 57.15 FEET TO A POINT; THENCE, SOUTH 86°18'50" WEST, 166.34 FEET TO A POINT; THENCE, NORTH 89°41'07" WEST, 167.93 FEET TO A POINT; THENCE, NORTH 87°11'35" WEST, 67.85 FEET TO A POINT; THENCE, NORTH 00°53'24" EAST, 29.25 FEET TO THE ENDING AT A POINT.

PROPOSED 20' INGRESS-EGRESS & UTILITY EASEMENT #2

TOGETHER WITH A PROPOSED 20-FOOT WIDE INGRESS-EGRESS AND UTILITY EASEMENT LYING AND BEING IN LAND LOT 261, 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA, BEING DESCRIBED BY THE FOLLOWING CENTERLINE DATA:
TO FIND THE POINT OF BEGINNING, COMMENCE AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE LINE COMMON TO LAND LOTS 261 AND 262 AND THE WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE (HAVING A 60-FOOT RIGHT-OF-WAY); THENCE LEAVING SAID INTERSECTION AND RUNNING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE, NORTH 01°36'53" WEST, 35.85 FEET TO A POINT; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE AND RUNNING, SOUTH 81°51'03" WEST, 57.15 FEET TO A POINT; THENCE, SOUTH 86°18'50" WEST, 166.34 FEET TO A POINT; THENCE, NORTH 89°41'07" WEST, 167.93 FEET TO A POINT; THENCE, NORTH 87°11'35" WEST, 67.85 FEET TO A POINT; THENCE, NORTH 00°53'24" EAST, 29.25 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, NORTH 00°53'24" EAST, 46.55 FEET TO A POINT; THENCE, NORTH 32°26'07" EAST, 58.85 FEET TO THE ENDING AT A POINT.

PROPOSED 10' UTILITY EASEMENT

TOGETHER WITH A PROPOSED 10-FOOT WIDE UTILITY EASEMENT LYING AND BEING IN LAND LOT 261, 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA, BEING DESCRIBED BY THE FOLLOWING CENTERLINE DATA:
TO FIND THE POINT OF BEGINNING, COMMENCE AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE LINE COMMON TO LAND LOTS 261 AND 262 AND THE WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE (HAVING A 60-FOOT RIGHT-OF-WAY); THENCE LEAVING SAID INTERSECTION AND RUNNING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE, NORTH 01°36'53" WEST, 35.85 FEET TO A POINT; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE AND RUNNING, SOUTH 81°51'03" WEST, 57.15 FEET TO A POINT; THENCE, SOUTH 86°18'50" WEST, 166.34 FEET TO A POINT; THENCE, NORTH 89°41'07" WEST, 167.93 FEET TO A POINT; THENCE, NORTH 87°11'35" WEST, 67.85 FEET TO A POINT; THENCE, NORTH 00°53'24" EAST, 12.66 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, NORTH 89°56'04" WEST, 377.22 FEET TO THE ENDING AT A POINT.

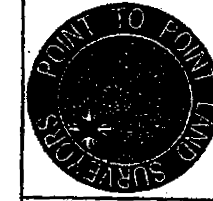
PROPOSED LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 261, 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
TO FIND THE POINT OF BEGINNING, COMMENCE AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE LINE COMMON TO LAND LOTS 261 AND 262 AND THE WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE (HAVING A 60-FOOT RIGHT-OF-WAY); THENCE LEAVING SAID INTERSECTION AND RUNNING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE, NORTH 01°36'53" WEST, 35.85 FEET TO A POINT; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE CHARLES DRIVE AND RUNNING, SOUTH 81°51'03" WEST, 57.15 FEET TO A POINT; THENCE, SOUTH 86°18'50" WEST, 166.34 FEET TO A POINT; THENCE, NORTH 89°41'07" WEST, 167.93 FEET TO A POINT; THENCE, NORTH 87°11'35" WEST, 67.85 FEET TO A POINT; THENCE, NORTH 00°53'24" EAST, 29.25 FEET TO A POINT; THENCE, NORTH 00°53'24" EAST, 46.55 FEET TO A POINT; THENCE, NORTH 32°26'07" EAST, 58.85 FEET TO A POINT; THENCE, NORTH 76°36'13" WEST, 39.37 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, NORTH 13°23'47" EAST, 50.00 FEET TO A POINT; THENCE, SOUTH 76°36'13" EAST, 50.00 FEET TO A POINT; THENCE, SOUTH 13°23'47" WEST, 50.00 FEET TO A POINT; THENCE, NORTH 76°36'13" WEST, 50.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.
SAID TRACT CONTAINS 0.0574 ACRES (2,500 SQUARE FEET), MORE OR LESS.

GEORGIA PROFESSIONAL SURVEYORS
No. 2966
1/26/10
LAKE CHARLES SURVEYORS
CHARLES LEB INER

NO.	DATE	REVISION
1	12-21-2009	ADDED SHEET PROJ. NO.
2	01-05-2010	MOVED LEASE AREA. NEW
3	01-26-2010	MOVED TOWER. OLD

EASEMENT SURVEY PREPARED BY:
POINT TO POINT LAND SURVEYORS
810 Jackson Street
Locust Grove, Georgia 30248
(p) 678.565.4440 (f) 678.565.4497
(w) pointtopointssurvey.com



EASEMENT SURVEY PREPARED FOR:
T-Mobile
T-MOBILE SOUTH, LLC
FOUR CONCOURSE PARKWAY
SUITE 300
SANDY SPRINGS, GEORGIA 30328
Phone (770) 604-2900
Fax (770) 350-3049

"MOUNTAIN PARK"
SITE NO.
9A11292-D
LAND LOT 261
1ST DISTRICT, 2ND SECTION
FULTON COUNTY, GEORGIA

DRAWN BY: MBK
CHECKED BY: MBK
APPROVED: C. INER
DATE: DECEMBER 18, 2009
F27 206 C. 2009.645

SHEET:
3
OF 3

RECEIVED
FEB - 2 2010
City of Roswell
Community Development Dept

Case 1:10-cv-01464-AT Document 1-1 Filed 05/13/10 Page 3 of 3

**Article 21.2 Standards for
Wireless Communication Facilities**

Section 21.2.1 Purpose and Intent.

The purpose of this ordinance is to establish guidelines for the siting of all wireless communications towers and antennas which will encourage the development of wireless communications while protecting the health, safety, and welfare of the public and maintaining the aesthetic integrity of the community. The goals of this ordinance are:

- (a) To protect residential areas and land uses from potential adverse impact of telecommunications towers, antenna support structures and wireless communications facilities;
- (b) To minimize the total number of towers and antennas within the community necessary to provide adequate personal wireless services to residents of Roswell;
- (c) To locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized;
- (d) To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
- (e) To avoid potential damage to property caused by wireless communications facilities by insuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
- (f) To preserve those areas of significant scenic or historic merit;

- (g) To facilitate implementation of a master siting plan for the City of Roswell;
- (h) To promote and encourage the joint use of new and existing tower sites among service providers;
- (i) To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively and efficiently.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.2 Definitions.

Accessory use. A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure.

Alternative tower structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures, that in the opinion of council, are compatible with the natural setting and surrounding structures, and effectively camouflage or conceal the presence of antennas or towers.

Antenna shall mean any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio, wireless telecommunications signals or other communications signals. Such definition does not include, for purposes of this article, radar antennas, amateur radio antennas, satellite earth stations, MMDS antennas, television receiving antennas and direct broadcast satellite dishes.

Co-location is the placement of antennas of two (2) or more service providers on the same tower or accessory structure.

Height when referring to a tower or other structure, means distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Historic or scenic views mean geographic areas in Roswell which have been formally designated as part of the historic district; have been included in any nature preserve or scenic preservation efforts; or have sufficient historic or scenic merit as determined by council and the historic preservation commission so as to require preservation. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway or path.

Master siting plan refers to the siting map developed by council and approved by city council to identify appropriate sites for the location of wireless transmission facilities as may be amended from time to time. Such map may be derived from propriety information submitted by wireless providers.

Microcell means a wireless communication facility comprised of antennas extending no more than four (4) feet above the structure to which it is attached, and with an area no larger than five hundred seventy-six (576) square inches (e.g. 3' x 1 1/2') panel antenna or a two-foot diameter parabolic antenna as viewed from any one point.

Preexisting towers and preexisting antennas mean any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been

constructed so long as such approval is current and not expired.

Technically feasible and viable means capable of being provided through technology which has been demonstrated in actual applications (not simply through tests or experiments) to operate in a workable manner.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supported or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone or PCS towers.

Wireless transmission facilities shall mean the buildings, cabinets, equipment and property, including but not limited to, generating and switching stations, repeaters, cables, wires, conduits, ducts, pedestals, antennas, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer low-power mobile voice transmission, data transmission or other wireless communications by linking a wireless network of radio wave transmitting devices through a series of short range, contiguous cells that are part of an evolving cell grid.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.3 Applicability.

All new towers and antennas shall be subject, to the regulations contained within this article except as provided in subsections (a) through (c), inclusive:

- (a) *Public Property*. Nothing in this article shall be read to prohibit a government owned tower from

being located at a specific site when the tower is required to protect the public welfare or safety.

- (b) *Amateur Radio; Receive-Only Antennas.* This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (c) *Pre-Existing Towers and Antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the provisions of this ordinance, other than the requirements of section 21.2.7. Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas." However, in the event a preexisting tower or antenna ceases to function, then the subject tower, antenna and related equipment shall be removed from the subject property within ninety (90) days.

(2003-07-17, Amended, 07/07/2003, (c))

Section 21.2.4 General Requirements.

- (a) An application shall be required for the construction or placement of all new wireless transmission facilities and new co-location facilities, antennas or towers within the city limits. Approval of any application for the construction of a tower or placement of an antenna shall be based on consideration of the following factors:
 - (1) Proximity to residential structures and residential district boundaries;

- (2) The proposed height of the tower;
 - (3) Nature of uses on adjacent properties;
 - (4) Surrounding topography, tree coverage and foliage;
 - (5) Design of the facility, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness;
 - (6) Proposed ingress and egress;
 - (7) Availability of suitable existing towers, other structures, or alternative technologies (microcells) not requiring the use of towers or structures;
 - (8) Demonstrated need for the telecommunications facility at the specified site;
 - (9) Utilization of the City of Roswell Master Siting Plan, as amended.
- (b) All applications submitted to the community development department shall include a complete inventory of the applicant's existing wireless transmission facilities including towers and receivers/ transmitters located within the City of Roswell or a one-half-mile radius surrounding the city limits, including each asset's location (plane coordinates), height and co-location usage or capabilities, and any special design features. The city shall utilize such information, subject to any restrictions on disclosure requested by the applicant, to promote co-location alternatives for other applicants.
- (c) At the time of filing the application for construction or placement of a wireless trans-

mission facility, the applicant shall provide a site plan and information regarding tower or accessory structure location, neighboring uses and proposed landscaping as described below. Additional documentation to be submitted with the site plan and certified by an experienced radio frequency engineer shall delineate coverage and propagation zones, identify type of antenna and mounting location, specify type of band currently in use, and state co-location capabilities.

- (1) The scaled site plan shall clearly indicate the location, type and height of the proposed tower or accessory structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning including proximity to historic or scenic view corridors, adjacent roadways, proposed means of access, setbacks for property lines, elevation drawings of the proposed tower, accessory structure and any other structures, topography, parking, and other information deemed necessary by council to assess compliance with this ordinance.
- (2) Legal description of the parent tract and leased parcel (if applicable).
- (3) A definition of the area of coverage and radio frequency goals to be served by the antenna or tower and the extent to which such antenna or tower is needed for coverage and/or capacity.
- (4) The setback distance between the proposed wireless transmission facility and the nearest residential unit or residentially used structure.

- (5) Structural integrity analysis where antennas and equipment will be attached to an existing structure.
- (6) Landscaping shall be designed in such a way as to preserve existing mature growth and to provide in the determination of the design review board, a suitable buffer of plant materials that mitigates the view of the telecommunications facility and accessory structures from surrounding property.
- (d) Each application shall be accompanied by a fee of \$1,000.00 to offset the costs associated with processing such application. In addition, applicants shall be responsible for independent engineering costs incurred by the city which exceed such fee up to an additional \$2,000.00, if requested by the city. The applicant shall be responsible for additional fees throughout the process as described further within this ordinance. All fees are subject to change as amended by the mayor and city council by resolution.
- (e) Landscaping plans and the design and placement of the wireless transmission facility on an approved site shall require review and approval of the Roswell Design Review Board prior to issuance of a building permit to insure architectural and aesthetic compatibility with the surrounding area.
- (f) Prior to issuance of a building permit, compliance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 461 et seq. shall be demonstrated.

- (g) In approving any application, the zoning director, design review board, or council may impose additional conditions to the extent determined necessary to minimize adverse effects on adjoining properties.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.5 Development Requirements for Towers.

- (a) Towers may be located only in the following zoning districts subject to the restrictions and standards contained herein:

I-1 Office and Business Distribution District

C-3 Highway Commercial

Wireless transmission facilities in the OCMS (Office-Commercial Multi-Story Mixed Use), and any other districts shall be alternative tower structures only; provided however, towers may be allowed on publicly owned property regardless of zoning district.

- (b) No new wireless transmission facilities shall be located within two thousand five hundred (2,500) feet of any preexisting wireless transmission site unless such new facility is concealed through use of alternative tower structures or is otherwise camouflaged, and a variance is granted by the mayor and council of the City of Roswell:
- (c) All applicants seeking to erect a tower must demonstrate that no existing tower or structure can accommodate the proposed antenna(s). Evidence of an engineering nature shall be documented by the submission of a certification by an engineer. Such evidence may consist of the following:

- (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (2) No existing structure is of sufficient height to meet the applicant's engineering requirements.
 - (3) No existing tower or structure has sufficient structural strength to support applicant's proposed antenna(s) and related equipment.
 - (4) Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing tower or structure.
 - (5) Such other limiting factor(s) as may be demonstrated by the applicant and verified by an engineer of the city's choosing.
- (d) Setbacks: Setbacks for towers and above-ground transmission facilities shall be as follows:
- (1) All transmission facilities, except buried portions, shall be set back from all adjoining properties zoned non-residential a distance equal to the underlying setback requirement in the applicable zoning district.
 - (2) When a tower is adjacent to a residential use, the tower and entire transmission facility must be set back from the nearest residential lot line a distance equal to the height of the tower.
- (e) Unless otherwise specified by community development staff and the design review board, towers shall be enclosed by vinyl chain link security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device.

- (f) All new towers in excess of one hundred (100) feet which do not incorporate alternative design features must be designed and built in a manner that allows other entities to co-locate on the structure using the following guidelines:

**MAXIMUM TELECOMMUNICATIONS
TOWER HEIGHTS**

TABLE INSET:

Zoning District	Two Users	Three Users	Four Users
I-1	120'	150'	180'
C-3	120'	150'	150'

- (g) All towers and their related structures shall maximize the use of building materials, colors, textures, screening and landscaping that, in the opinion of the design review board and staff, effectively blend the tower facilities within the surrounding natural setting and built environment. Where appropriate, towers shall be painted so as to reduce their visual obtrusiveness, subject to any applicable standards of the Federal Aviation Administration (FAA).

(2003-12-32, Amended, 12/08/2003, (a) amended; 2003-07-17, Amended, 07/07/2003)

Section 21.2.6 Approval Process.

- (a) Subject to certification by the zoning director of compliance with the general requirements and standards enumerated above and with the consent of council, the following uses are subject to expedited approval, which shall be defined as approval within thirty (30) days of receiving applications, supporting engineering certifications

and lease approval, if any, without the necessity of public hearing:

- (1) Antennas or towers located on property owned, leased, or otherwise controlled by the City of Roswell provided accessory structures are located underground, where technically feasible, and a license, permit or lease authorizing such tower is thereafter approved by City of Roswell.
- (2) Installing an antenna on an existing structure, so long as said installation is considered to be a stealth technology installation that does not significantly change the profile of the existing structure and so that the installation is not readily noticeable to the untrained eye. Such installations including cables leading to the antennas shall be painted to match the paint and colors on the existing structure and shall not protrude from the existing structure in a noticeable fashion.
- (3) Co-location by installing an antenna on any existing tower or alternative tower structure.
- (4) Replacing an existing tower with a new tower designed to accommodate two (2) or more users so long as such new tower does not exceed the height limitations of subsection 21.2.5(f) and setback requirements of this article are met. After the replacement tower is built, only one (1) tower shall remain on such site. Support equipment shall, where technically feasible, be located underground.
- (5) Locating any alternative tower structures provided accessory structures are located underground, where technically feasible; or

otherwise incorporated into the alternative structure.

- (6) Installing any antenna or tower not to exceed the limitations contained in subsection 21.2.5(f) in any area zoned I-1 (light industrial) or C-3 and provided accessory structures are located underground, where technically feasible, or shielded to the satisfaction of the design review board.
- (7) Installing any antenna or tower in a location identified on the City of Roswell Master Siting Plan, as amended, provided accessory structures are located underground where technically feasible, or shielded to the satisfaction of the design review board.

If council determines that any application does not meet the general application requirements, development requirements and/or standards enumerated herein, or such application conflicts with the Master Siting Plan, approval of the application shall be denied provided substantial evidence exists to support such denial. Any aggrieved party may appeal the denial to the Fulton County Superior Court. For purposes of this section, an aggrieved party is one who demonstrates that his or her property will suffer special damage as a result of the decision complained of rather than merely some damage that is common to all property owners and citizens similarly situated.

- (b) If the proposed tower or antenna is not included under the above described expedited approval uses, or the application does not on its face satisfy the development standards and other criteria specified herein, then a public hearing before the mayor and council shall be required

for the approval of the construction of a wireless transmission facility in all zoning districts. Applicants shall apply for a public hearing through the community development department and pay the required five-hundred-dollar fee at such time. Applications, when complete, shall be placed on the next available agenda of the mayor and council at which zoning matters are considered. At least thirty (30) days prior to any scheduled hearing, the community development department shall cause a sign to be posted on the property and the publication of a public notice in a newspaper of general circulation. Said notice shall state the nature of the application, street location of the proposal and height of the proposed structure.

Before approving an application for an "other use," the governing authority may impose zoning conditions to the extent necessary to buffer or otherwise minimize any adverse effect of the proposed tower on adjoining properties. The factors considered in granting such a permit include those enumerated in sections 21.2.4 and 21.2.5. The mayor and council may waive one (1) or more of these criteria, if, in their discretion doing so will advance the goals of this article as stated in section 21.2.1. Approved applications shall be valid for one (1) year from the date of the approval by the mayor and council.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.7 Maintenance of Facilities.

- (a) All wireless transmission facilities and related landscaping shall be maintained by the facility owner in good condition, order, and repair so that they shall not endanger the life or property of

any person, nor shall they be a blight upon the property.

- (b) All maintenance or construction on wireless transmission facilities shall be performed by persons employed by or under contract to the owner between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday except in cases of emergency or when an after-hours permit is obtained pursuant to section 5.1.13 of the City of Roswell Code of Ordinances. Access to facilities on city owned property shall be determined on a case-by-case basis by the department responsible for such property. The hours of access to city sites shall not exceed those specified above. Persons may not be present on site unless performing construction or maintenance at such site.
 - (c) The owner or user of any telecommunications facility shall be required to submit a "facility in use certification" annually to the community development department. Any antenna or tower that is not operated for a continuous period of twelve (12) months or is not properly maintained shall be considered abandoned, and the owner of such antenna or tower shall remove same and any structures housing supporting equipment within ninety (90) days of receipt of notice from the governing authority of such abandonment. If such antenna or tower is not removed or returned to good condition within said ninety (90) days, the governing authority may remove such antenna or tower at the owner's expense.
- (2003-07-17, Amended, 07/07/2003)

Section 21.2.8 Waiver of Requirements.

No exception, waiver or variance to the conditions and requirements contained herein shall be granted unless expressly provided for in this ordinance, or the mayor and council find that the proposed tower or wireless transmission facility is necessary and essential to providing the wireless service.

(2003-07-17, Amended, 07/07/2003)

Sections 21.2.9, 21.2.10 Reserved.

Section 21.2.11 Facilities Lease.

The city council may approve facilities leases for the location of wireless transmission facilities and other telecommunications facilities upon city owned property. Neither this section, nor any other provision of this article shall be construed to create an entitlement or vested right in any person or entity of any type.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.12 Lease Application.

Any person that desires to solicit the city's approval of a facilities lease pursuant to this article shall file a lease proposal with the city's community development department which, in addition to the information required by section 21.2.4, shall include the following:

- (a) A description of the wireless transmission facilities or other equipment proposed to be located upon city property;
- (b) A description of the city property upon which the applicant proposes to locate wireless transmission facilities or other equipment;

- (c) Preliminary plans and specifications in sufficient detail to identify:
 - (1) The location(s) of existing wireless transmission or telecommunications facilities or other equipment upon the city property, whether publicly or privately owned;
 - (2) The location and source of electric and other utilities required for the installation and operation of the proposed facilities;
- (d) Accurate scaled conceptual drawings and diagrams of sufficient specificity to analyze the aesthetic impacts of the proposed wireless transmission facilities or other equipment;
- (e) Whether the applicant intends to provide cable service, video dialtone service or other video programming service from the facility, and sufficient information to determine whether such service is subject to cable franchising;
- (f) An accurate map showing the location of any wireless transmission or telecommunications facilities in the city that applicant intends to use or lease;
- (g) A landscaping bond in an amount to be determined by the city arborist;
- (h) Such other and further information as may be requested by the city; and
- (i) An application fee for lease negotiation in the amount of \$250.00.

Section 21.2.13 Determination by the City.

Recognizing that the city is under no obligation to grant a facilities lease for the use of city property,

the city shall strive to consider and take action on applications for facilities leases within sixty (60) days after receiving a complete application for such a lease. When such action is taken, the city shall issue a written determination granting or denying the lease in whole or in part, applying the standards set forth below, or any other such criteria as the mayor and city council may choose to apply. If the lease application is denied, the determination shall include the reason for denial following review of these factors:

- (a) The capacity of the city property and public rights-of-way to accommodate the applicant's proposed facilities.
- (b) The capacity of the city property and public rights-of-way to accommodate additional utility and wireless transmission or telecommunications facilities if the lease is granted.
- (c) The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the lease is granted.
- (d) The public interest in minimizing the cost and disruption of construction upon city property and within the public ways.
- (e) The service that applicant will provide to the community and region. The effect, if any, on public health, safety, and welfare if the lease requested is approved. The availability of alternate locations for the proposed facilities.
- (f) Whether the applicant is in compliance with applicable federal and state telecommunications laws, regulations and policies, including, but not limited to, the registration requirements

administered by the Georgia Public Service Commission.

- (g) The potential of radio frequency and other interference with existing public and private telecommunications or other facilities located upon the city property.
- (h) The potential for radio frequency and other interference or impact upon residential, commercial, and other uses located within the vicinity of the city property.
- (i) Recommendations of the recreation commission with respect to impact on park and recreation activities.
- (j) Recommendations of the public works department with respect to maintenance and security of water towers.
- (k) Such other factors, such as aesthetics, as those factors may impact the community.
- (l) The maximization of co-location opportunities with other similar uses.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.14 Agreement.

No facilities lease shall be deemed to have been granted hereunder until the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the lessee has been granted the right to occupy and use the city property.

Section 21.2.15 Nonexclusive Lease.

No facilities lease granted under this article shall confer any exclusive right, privilege, license, or franchise to occupy or use city property for delivery of telecommunications services or any other purposes nor shall approval of a lease entitle the applicant to a permit to construct or place a wireless transmission facility.

Section 21.2.16 Term of Facilities Lease.

Unless otherwise specified in a lease agreement, a facilities lease granted hereunder shall be valid for a term of up to five (5) years, with the lessee granted a maximum of three (3) five-year renewal options which options shall also be subject to approval of council. The term of any such agreement shall not exceed twenty (20) years.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.17 Rights Granted.

No facilities lease granted under this article shall convey any right, title or interest in the city property, but shall be deemed a license only to use and occupy the city property for the limited purposes and term stated in the lease agreement. Further, no facilities lease shall be construed as any warranty of title.

Section 21.2.18 Interference with Other Users.

No facilities lease shall be granted under this article unless it contains a provision which is substantially similar to the following:

The city has previously entered into leases with other tenants for their equipment and wireless transmission facilities. Lessee acknowledges that the

city is also leasing the city property for the purposes of transmitting and receiving telecommunication signals from the city property. The city, however, is not in any way responsible or liable for any interference with lessee's use of the city property which may be caused by the use and operation of any other tenant's equipment, even if caused by new technology. In the event that any other tenant's activities interfere with the lessee's use of the city property, and the lessee cannot work out this interference with the other tenants, the lessee may, upon thirty (30) days' notice to the city, terminate this lease and restore the city property to its original condition, reasonable wear and tear excepted. The lessee shall cooperate with all other tenants to identify the causes of and work towards the resolution of any electronic interference problem. In addition, the lessee agrees to eliminate any radio or television interference caused to city-owned facilities or surrounding residences at lessee's own expense and without installation of extra filters on city-owned equipment. Lessee further agrees to accept such interference as may be received from city operated telecommunications or other facilities located upon the city property subject to this lease.

Section 21.2.19 Ownership and Removal of Improvements.

No facilities lease shall be granted under this article unless it contains a provision which states that all buildings, landscaping, and all other improvements, except telecommunications equipment, shall become the property of the city upon expiration or termination of the lease. In the event that the city requires removal of such improvements, such removal shall be accomplished at the sole expense of the lessee and completed within ninety (90) days after receiving

notice from the city requiring removal of the improvements. In the event that wireless transmission facilities or other equipment are left upon city property after expiration or termination of the lease, they shall become the property of the city if not removed by the lessee upon thirty (30) days' written notice from the city.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.20 Compensation to the City.

Each facilities lease granted under this article is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the rights granted to the lessee; provided, nothing in these sections shall prohibit the city and a lessee from agreeing to the compensation to be paid. Such compensation shall be payable in advance of the effective date of the lease and on or before January 31 of each calendar year. Any payments received after the due date shall include a late payment penalty of two (2) percent of the annual rental fee for each day or part thereof past the due date. The compensation shall be negotiated by the city administrator or designee, subject to the city council's final approval, based on the following criteria:

- (1) Comparable lease rates for other public or private property;
- (2) In the case land is leased, an appraisal opinion upon which the land and air space is rented;
- (3) If structure of another user is involved, any amount needed to reimburse that user; in addition to the above;

- (4) A yearly escalator rate commonly used in comparable leases;
- (5) The additional rent such structure may generate if leased to additional users (the city should be entitled to rent as a result of a sublease); and
- (6) Additional fees or charges may be established by the city to cover actual costs of processing the application, including engineering review, inspection and appraisal cost, legal, administration of the agreement, providing on-site services, and/or other direct or indirect costs.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.21 Amendment of Facilities Lease.

Except as provided within an existing lease agreement, a new lease application and lease agreement shall be required of any telecommunications carrier or other entity that desires to expand, modify, or relocate its telecommunications facilities or other equipment located upon city property. If ordered by the city to locate or relocate its telecommunications facilities or other equipment on the city property, the city shall grant a lease amendment without further application. Such amendment must be approved by council.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.22 Renewal Application.

A lessee that desires to exercise a renewal option in its facilities lease under this article shall, not more than one hundred eighty (180) days nor less than one hundred twenty (120) days before expiration of the current facilities lease term, file an application with

the city for renewal of its facilities lease which shall include the following:

(a) The information required pursuant to section 21.2.12 of this article;

(b) Any information required pursuant to the facilities lease agreement between the city and the lessee;

(c) A report certified by a radio frequency engineer that the site is in compliance with current FCC radio emission standards;

(d) All deposits or charges required pursuant to this article; and

(e) An application fee which shall be set by the city council as referenced in this ordinance or as amended from time to time by resolution.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.23 Renewal Determination.

Recognizing that the city is under no obligation to grant a renewal of a facilities lease for the use of city property, the city shall strive to consider and take action on applications for renewal of such leases within thirty (30) days after receiving a complete application for such a lease renewal. When such action is taken, the city shall issue a written determination granting or denying the lease renewal in whole or in part, applying the standards set forth below, or any other such criteria as the city council may choose to apply. If the renewal application is denied, the written determination shall include the reason for denial, such denial may be made after review of these factors or on other grounds as determined by mayor and council:

- (a) The financial and technical ability of the applicant.
- (b) The legal ability of the applicant.
- (c) The continuing capacity of the city property to accommodate the applicant's existing facilities.
- (d) The applicant's compliance with the requirements of this article and the lease agreement.
- (e) Applicable federal, state and local telecommunications laws, rules and policies.
- (f) Continued need for the facility in light of technological advances and current industry standards.
- (g) Such other factors as may demonstrate that the continued grant to use the city property will serve the community interest.

(2003-07-17, Amended, 07/07/2003)

Section 21.2.24 Obligation to Cure as a Condition of Renewal

No facilities lease shall be renewed until any ongoing violations or defaults in the lessee's performance of the lease agreement, or of the requirements of these sections, have been cured, or a plan detailing the corrective action to be taken by the lessee has been approved by the city. In no event shall a facilities lease be renewed if lessee fails to cure.

(2003-07-17, Amended, 07/07/2003)

March 18, 2010

Observations and Questions Provided to:

Brad Townsend, Director of Planning and Zoning in Roswell, Roswell Mayor and City Council, Roswell Officials, and T-Mobile.

Prepared by:
Michael Nyden
580 Indigo Drive
Roswell, GA 30075
(770) 642-6133

Submitted by a Citizens Group including Home-owners in/on Lake Charles Drive, Lake Charles Plantation community, Meeting Street community, Land O Lakes community, Creekside community, Maycroft Court, and others.

We ask for responses to each of the observations and/or questions posed, and for comment, in writing or electronic equivalent.

Issues:

T-Mobile

Site Selection—Question of conclusion

What alternate sites were evaluated?

A tax map analysis was provided as a part of the T-Mobile application as Exhibit A and is included at the end of this document. This provides Information regarding the search area and what parcels were investigated.

What alternate sites are available?

Was consideration given to Fellowship Christian School site, .3 miles from 740 Jones (fire station) site.

The Fellowship Christian School is too close to existing sites, as shown on the submitted

coverage maps, to provide improved service to the area in need.

What criterion was used to eliminate potential locations?

A variety of criteria are used to determine a property's potential as a facility location, one being proximity to existing T-Mobile antenna locations, and the ability to improve coverage in the area in need. Other criteria, includes, compliance with Roswell's code and property owner interest.

How was the Lake Charles Site established as the preferred location?

The proposed location meets the variety of criteria necessary to locate a new facility: It meets or exceeds the development standards set forth by the City of Roswell for telecommunications facilities, we have a willing landlord, and it is technologically favorable to satisfy coverage and service improvement objectives.

T-Mobile Contradictions—Please explain the disparity between T-Mobile's propagation maps, and—See "Exhibit B—Coverage Without Facility" Map provided by T-Mobile), and, T-Mobiles Marketing material—See accompanying Published Coverage Map for Voice Coverage, downloaded from T-Mobile Website

Which department is providing factual information?

(Observation—T-Mobile has fine reception at 1068 Lake Charles—Consistent with T-Mobile's published coverage map)

T-Mobile's Personal Coverage Check indicates the area around the proposed site location provides "moderate" and "good" service. The

web site's definition of "moderate" is "You should usually be able to place calls outdoors, occasionally in a car, but only sometimes indoors." The definition of "good" is "You will likely be able to place calls outdoors, in a car, and occasionally indoors."

The stated objective of this proposed site is to provide "In-building coverage in residential areas surrounding Jones Road, Shallowford Road and Woodstock Road in Roswell Georgia. It will also minimize dropped calls in the aforementioned area."

T-Mobile has proposed this location because there is a need to improve service to our customers, particularly where they use their wireless devices most: in their homes. As a business, T-Mobile has a responsibility to ensure our customers experience service quality they have come to expect. As more people drop their landlines every year in favor of using their wireless phone exclusively, and as more people use their wireless devices for Internet service, providing in-home service is crucial.

The two maps do not contradict one another. Although presented in different formats, they both reflect the same information: T-Mobile has a need to improve service to this area of the City of Roswell.

Please provide results of actual driving study showing service—ability to make and receive phone calls.

Please Provide FCC Rules and/or legal citations supporting the assertion that T-Mobile provide service inside home. Please provide case law, if available.

T-Mobile seeks to provide service in our customers' homes because they want to use their wireless devices wherever they are. People are accessing the Internet with their wireless devices more than ever. 60% of mobile phone calls are made from the home (USA Today, April 2007). We have a responsibility to our customers and our business to provide the best service possible, where people want to use it, and where they use it the most.

Please provide background information regarding T-Mobile's assertion that "This facility is a necessity as T-Mobile is responding to the demand of its customers, many of whom no longer use their land lines, but instead use their cellphones for everyday activities and emergencies." (See Accompanying "Revised Letter of Intent," Page 1—Part of T-Mobile's Application).

Please provide supporting documentation to support the assertion in the previous paragraph—especially those customers who no longer use their land lines.

According to the Center for Disease Control, in 2009 16.5% of Georgia households were wireless only, and 15% of Georgia adults were wireless only. 31% of adults ages 25 to 29 live in households that use only cell phones (RCR Wireless News, December 2007). Half of the U.S. residents who moved households in the last three months of 2006 did not reconnect their landlines.

T-Mobile is a business responding to the trends of the wireless marketplace and the demands of wireless customers.

Please provide record of every demand made within the area proposed to be affected

Please provide documentation regarding the number of T-Mobile customers within the area proposed to be impacted

Please provide Documentation on the number of T-Mobile Customers within the area proposed to be impacted that “. . . no longer use their land lines . . .”

Please provide any other information supporting this assertion

The information requested in the preceding items is proprietary. T-Mobile has a responsibility as a business to provide the best service possible to our customers; any other business providing any kind of service or product has the same responsibility. If ONE customer demanded improved service, if ONE customer will receive the benefit of improved service, T-Mobile has a right to request this permit, as outlined in the City of Roswell ordinance, in order to provide improved service.

Please provide any information support T-Mobile's assertion that this site, or one nearby, is necessary to provide E911 service.—Please provide information/explanation of

Locating E911 caller utilizing time/and or angle to transmitter receiver, and,

GPS internal to the cell phone

Locating E911 caller using other

What percentage of T-Mobiles cell phones are delivered with GPS capability? (Not necessarily enabled for the user)

This site will provide improved access to 911. Because coverage indoors surrounding the proposed site is not available at every location, this site will allow more people in the vicinity to access 911 and other public safety resources, in turn making the entire community safer.

Please see the enclosed information page titled "Understanding 911" for a more technical explanation of the technology T-Mobile uses to provide enhanced 911. This technology is a network-based solution, which works optimally with at least three different antennas locations. Many factors determine the ease with which an emergency responder will find the caller dialing 911. The more antenna locations in proximity to the distress caller, the more accurately the technology will work.

T-Mobile also offers "3G" services to many locations across the country, the greater Atlanta area, including Roswell, being one of them. Customers using a 3G enabled phone may access 911 services through a handset-based solution, via built-in GPS. Today, the vast majority of T-Mobile customers still access the "2G" network, and as they replace their handsets over the years, they will migrate to 3G services and the accompanying GPS-based location services.

Please provide evidence of the impact of New T-Mobile Tower at Crabapple middle school on service in the area of 1060 Lake Charles

Coverage maps that have been submitted show the impact of the facility at Crabapple Middle School. Please see coverage maps

attached hereto. The Crabbapple Middle School is shown as 9AT1129C.

Please provide an explanation regarding how T-Mobile expects to meet the FCC Requirement to maintain power to equipment that provides service (Ruling post Katrina) Required by FCC rule—Provided in soft Copy to Roswell P&Z

This rule proposed by the FCC, commonly referred to as the Katrina Order, is no longer being considered, was never enacted, and hasn't been a consideration for at least a year.

Please explain the generator referenced in Notes on plans (See Accompanying—"Proposed Plans 2/10/2010" page 27, Note 2)—Why is it referenced?

Why is the Physical location of the referenced Generator not shown on plans

Why is the Location of Fuel Storage Tank, which per municipal code must be buried, not shown on plans?

There will be no generator at the site and the site plans have been revised to reflect this.

Please provide an Environmental Impact statement if available, and if not available, offer explanation why one has not been requested

There is no environmental impact study available. T-Mobile is not required by local, state or federal jurisdictions to provide an environmental impact study. We are required to perform a Phase I and NEPA/SHPO Study prior to any construction activities.

What are the expected impacts of disturbing the site?

The site plans and construction drawings that have been submitted provide the details and

limits of the construction of the proposed site. Approved erosion and sedimentation controls are indicated on sheet C3.4. These plans will be reviewed by the professional staff of the City of Roswell prior to the issuance of a building permit.

What are the expected impacts of Pollution by diesel smoke

What are the potential impact of a diesel fuel leak

What are the potential and expected impacts of burying a fuel tank

No longer applicable because there will be no generator on-site.

What are the expected and potential threats to the environment over time

What are the expected impacts to Migratory Birds and other wildlife? Please provide reference to independent studies showing impact.

The general consensus is that migratory birds are impacted by towers that are along coastal areas, exceed 200 feet, are lighted, and include guy wires. This site includes none of the above criteria: the tower is not near a coastal area, is 108 feet in height, will not be lighted, and will include no guy wires.

T-Mobile—Service Providers

How will T-Mobile access the MTSO?

T-Mobile will access the MTSO by utilizing the existing infrastructure available in the area. T-Mobile will access the current infrastructure as shown on Sheet E1 and E1.1 of the submitted site plans and construction drawings.

Does capacity of T-Mobile and other carriers exist to transport data to MTSO(S)?

Yes.

What is actual location of MTSO?

This information is confidential and will not be provided for security reasons.

Where will it be necessary to dig/trench?—Please provide statement from service provider

If digging/trenching is necessary, what is the impact of digging on Lake Charles or elsewhere?—Please provide statement from service provider

What is the environmental impact of digging on Lake Charles or elsewhere, if digging must take place?

The only digging required to access the current infrastructure is shown on Sheet E1 and E1.1 of the submitted site plans and construction drawings. There should not be any digging required on Lake Charles Drive by T-Mobile.

How will other carriers access their MTSO?

What is actual location of MTSO(s) of other potential carriers?

Where will it be necessary to dig/trench?—Please provide statement from every anticipated service provider

If digging/trenching is necessary, what is the impact of digging on Lake Charles or elsewhere?—Please provide statement from service provider

What is the environmental impact of digging on Lake Charles or elsewhere, if digging must take place?

Any future co-locators on this facility will access their respective MTSOs in the same manner as T-Mobile. T-Mobile does not and cannot speak on behalf of any other co-locaters beyond this general observation.

T-Mobile—Other—Please identify the engineering specification that prevents tower extensions greater than the minimum height required for the tower (Reference—Accompanying “Revised Letter of Intent,” Page 8).

There are no engineering restrictions to increasing the height of the tower. If desired by the City Council, T-Mobile would accept a condition of approval that the proposed tower exceed 108’.

Would it be possible, from an engineering perspective, to raise the height of the tower, as was done at the Hembree Road site? If yes, would a rise in height require guy wires, lights, FM coloration, etc., or,

A raise in height would not require guy wires. Lights are not required unless the structure exceeds 199’.

Please identify the engineering specification, reference, or other, identifying that this tower can never be extended higher, by any means.

There are no engineering restrictions to increasing the height of the tower. If desired by the City Council, T-Mobile would accept a condition of approval that the proposed tower does exceed 108’.

T-Mobile—Other—Please confirm “user” in the context provided by T-Mobile—“. . . the proposed tower

will be designed for a total of three users.” (See Accompanying “Revised Letter of Intent,” Page 8)

Please confirm that a “user” as T-Mobile applies the word, means cellular telecommunications provider, and please provide the frequency range of the proposed user(s). (This is noted, but not spec’ed.)

User is defined as any other wireless provider such as Verizon, AT&T, Sprint, Metro PCS and Clearwire. We have no proposed additional users at this time. Their frequencies ranges can be found at www.wirelessadvisor.com. Facilities are also capable of accommodating equipment used by municipalities, such as emergency responders.

Please confirm that no additional antennae will be added, by T-Mobile or other “users”, or, T-Mobile will allow additional carriers on this proposed tower, this is encouraged by the City of Roswell.

Over time as technology advances and evolves, T-Mobile may upgrade its equipment at this facility, as it does all over the network. All additions and modifications are completed in total compliance with local, state, and federal laws and regulations. Any other carrier wishing to co-locate on this structure will also be required to comply with the same standards.

Please direct me to the page identifying the specifications of additional antennae, their appearance, positioning, etc.

Sheets C4 and C4.1 provide information regarding the placement of the T-Mobile antennas.

T-Mobile—Other

Who is responsible for the suitability of the proposed tower for this application since T-Mobile's Engineer, Walker Engineering, ". . . accepts no responsibility for the suitability of the tower to carry existing and proposed loads." (See Accompanying "Proposed Plans 2-10-2010," Page 12, note 1.)

Upon approval and as a part of the building permit submittal package, T-Mobile will provide stamped engineered drawings for the proposed tower.

Are detailed plans for the proposed tower available for review?

If so, please provide, and,

If not, why not.

There are no tower and foundation drawings available at this time. This will be produced at the time of the building permit submittal. Tower and foundation drawings are not required as a part of this application, and are provided at the time a specific facility is ordered and permitted.

T-Mobile—Other—Please provide references from municipalities/customers similar in nature and scope to that proposed.

We are in different phases of sites throughout the metropolitan Atlanta area and will not provide any information in regards to these areas due to the proprietary nature.

Why are other providers able to provide service from existing towers, and T-Mobile is not? Please Explain.

Although T-Mobile cannot and will not speak to the specifics of other carriers' network design and service levels, there are many factors that could affect a particular carrier's ability to provide service in a given area. Every carrier's network limitations are different. Capacity and customer load (the number of subscribers accessing the network at one time), and frequency are a few of the many impacting variables.

T-Mobile seeks to co-locate on existing facilities whenever possible, and is co-located on every surrounding facility nearest to this proposed site.

Please provide all information from residents complaining to T-Mobile about inadequate service in the area of 1060 Lake Charles.

Please provide Raw Numbers of complaints specifying the proposed area of additional coverage

Please provide All specifics of every complaint, including location from which complaint was made

Please provide any material, including voice recordings, supporting the complaints and number of complaints provided

The information requested in the preceding questions is proprietary. Similar to the response requesting information about the number of T-Mobile customers impacted, one dropped call or one complaint is too much: we have determined there is a need to improve service in this area to a level deemed acceptable by our engineers charged with monitoring the network. As a company we are certainly entitled

to determine the service levels we deem acceptable. We have applied for a permit with the City of Roswell in absolute compliance with the development standards set forth by the ordinance.

Who are the Parties to the proposed Lease, i.e., will it be T-Mobile South, LLC, or some other entity.

T-Mobile South LLC

Please describe the relationship between T-Mobile South, LLC and parent company.

T-Mobile South LLC is the legal entity name for T-Mobile USA operating in Georgia. T-Mobile USA is a subsidiary of Deutsche Telekom AG.

Please Provide Financials for T-Mobile South LLC.

Information for T-Mobile USA can be found at www.t-mobile.com/Company

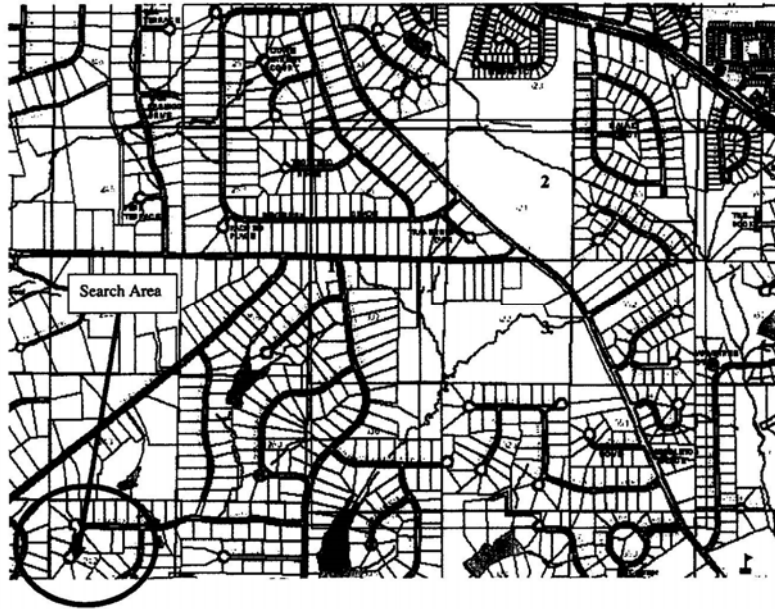
TAX MAP ANALYSIS



Search area is developed with single family homes and are zoned as such. Larger tracts within the search area are developed with single family homes and do not meet the intent of the City of Roswell code.

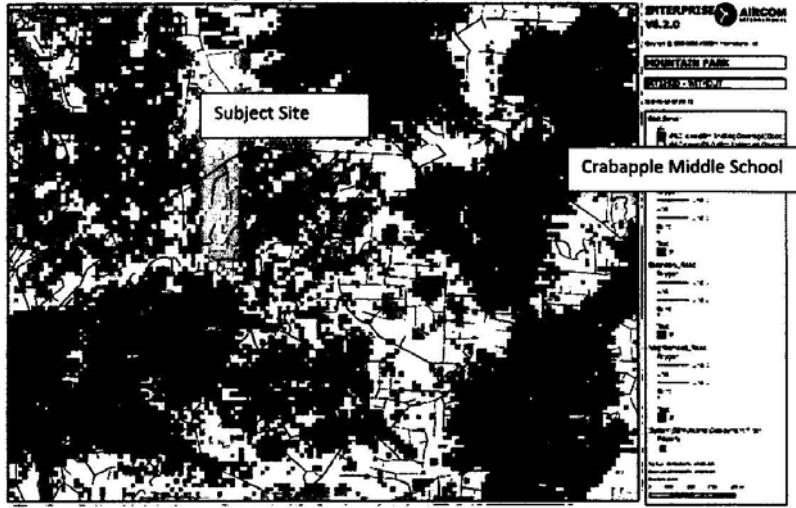
1. City of Roswell Fire Dept.—Although property established as a preferred facility location the proposal was rejected by City of Roswell.
2. Proposed location—undeveloped parcel.

TAX MAP ANALYSIS (continued)

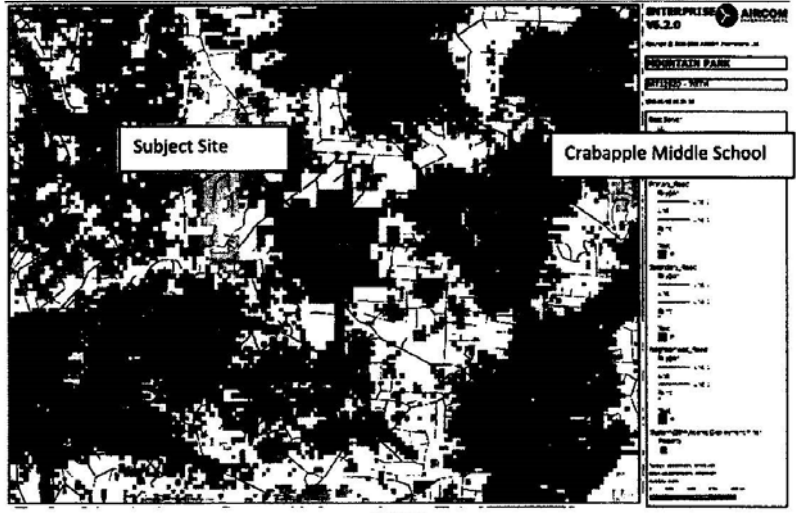


1. City of Roswell Fire Dept.—Although property established as a preferred facility location the proposal was rejected by City of Roswell.
2. Property too far east to provide seamless, ubiquitous, and reliable coverage.
3. Properties too far east provide seamless, ubiquitous, and reliable coverage.

Coverage Maps with Crabapple Middle School Site



WITHOUT



WITH

109

In The Matter Of:

*Application of T-Mobile South, LLC,
Lake Charles Drive*

*Proceedings, Mayor and City Council
of Roswell, Georgia*

April 12, 2010

Discovery

Court Reporting, LLC

4811 Galloways Farm Court

Acworth, Georgia 30101

Telephone (770) 596-0804

Fax (770) 529-7837

www.discoverycourtreporting.com

info@discoverycourtreporting.com

Original File 041210TMobile.txt

[1] IN RE: Wireless Facility—T-Mobile South, LLC,
Lake Charles Drive (adjacent to 1060
Lake Charles Drive)

PROCEEDINGS BEFORE THE
MAYOR AND CITY COUNCIL
OF ROSWELL, GEORGIA

April 12, 2010

7:30 p.m.

38 Hill Street
Roswell, Georgia

Maria K. McCune, CCR B-812

[2] APPEARANCES

Mayor and City Council Members:

JERE WOOD, Mayor

COUNCIL MEMBER JERRY ORLANS

COUNCIL MEMBER DR. BETTY PRICE

COUNCIL MEMBER KENT IGLEHEART

COUNCIL MEMBER KAY LOVE

COUNCIL MEMBER BECKY WYNN

COUNCIL MEMBER RICH DIPPOLITO

COUNCIL MEMBER NANCY DIAMOND

(Recused)

BRADFORD D. TOWNSEND, Planning &
Zoning Director

On behalf of the Applicant:

LANNIE GREENE

MARQUISE LEWIS

BEAU SIMPSON

[3] DR. PRICE: The first item on the agenda is Number 1, Wireless Facility, T-Mobile South, LLC, Lake Charles Drive, adjacent to 1060 Lake Charles Drive, and to present that, Brad Townsend, Planning and Zoning Director.

MR. TOWNSEND: Thank you, Dr. Price.

MAYOR WOOD: Council Member Nancy Diamond.

MS. DIAMOND: Thank you, Mr. Mayor. I am disappointed as I talk. As many of you know, I live directly in the path of this proposed cell tower, and in order to make sure there is no question of the motives of this Council and their vote, I am going to have to recuse myself.

I think you'll find pictures of my house on both sides of the presentation, and I'm disappointed to learn that that means I have to leave the room because I had lots of questions, but I just wanted to clarify that before we start.

MAYOR WOOD: You may recuse yourself.

Council Member Price, if you'll proceed.

[4] DR. PRICE: Mr. Townsend, please proceed.

MR. TOWNSEND: Thank you.

This is a proposed request from T-Mobile regarding an alternative tower structure to be located at 1060 Lake Charles Drive.

An alternative tower structure as defined—this is the definition—is a man-made tree or clock or bell steeple. It is to be camouflaged, within the opinion of Council, compatible with the area.

The proposed tower is to be located west of Lake Charles Drive, approximately 2.8 acres. The subject

property is vacant and zoned E-2, single-family residential.

The proposed tower is to be constructed in a manner to represent a monopine tree. These are similar examples of existing towers of single monopine trees. The structure is to be approximately 20 to 25 feet above the existing pine trees of the area.

This is a representation of our existing cell towers within the city of [5] Roswell shown by the red circles or the blue triangles. The proposal this evening is the yellow represented location. The circle around the existing towers, as well as the proposed one, is a 2500-foot requirement. This is what we utilize in determining collocation.

I'll let the Mayor finish his thought before I move on.

MAYOR WOOD: No, you may proceed. I just had a question.

MR. TOWNSEND: Okay. This is a representation provided by T-Mobile of the RF frequencies for the area, and the green areas represent where there are strong frequencies. The yellow areas are weaker frequencies. The gray area, they have less powerful frequencies in those locations.

The next slide is placing the tower in that location. You can see how the location of the proposed tower fills in the area represented by T-Mobile that they want to try to serve.

MS. WYNN: Can you do that one more time, please?

[6] MR. TOWNSEND: This is without the tower, and this is with the tower.

MS. WYNN: Thank you.

MR. TOWNSEND: This is a representation of the proposed location represented by T-Mobile showing the setbacks from the existing property line. There are homes on all sides of the proposed location.

This is an aerial photograph showing the existing homes as well as the parcel line and the proposed location of the tower.

Staff has received—I corrected the larger number but not the smaller number—over a thousand-plus e-mails, signatures, petitions, letters in opposition of the proposed location.

We provided you a small representation. We have the actual pieces of paper that includes each of those petitions in our files this evening representing opposition to the proposed tower.

The proposed tower that is being recommended by Staff, it is actually in an alternative location. If you look at this graphic, the blue square represents where [7] T-Mobile has proposed it. The red square is representing where Staff would prefer the tower to be located.

This moves it approximately 300 feet, about 250 feet to the east of the exist—or to the west of the existing of where they're proposing. This is a graphic representing Staff's recommended location showing it further to the west on the property.

The reasoning for the request to move that, it's Staff's recommendation that this location represents the person or homeowner receiving the greatest financial gain is actually also receiving the largest visual impact to the proposed tower.

This is an aerial of the proposal from Staff.

The recommended action of this evening is, Council is to make a determination with the alternative tower structure, if compatible with the surrounding area, and there would be recommendation that it be approved with three conditions, which we've included in our Staff report.

[8] They relate to the site plan requesting it be moved to the west, that they construct a black vinyl fence around the area on the ground, as well as they add additional evergreen trees to screen that location.

That is Staff's recommendation and report for this evening.

MAYOR WOOD: Council, any questions for Staff?
Council Member Dippolito.

MR. DIPPOLITO: Mr. Townsend, has the applicant addressed your suggestion of moving the tower?

MR. TOWNSEND: They have not.

MR. DIPPOLITO: Have you presented them with that information?

MR. TOWNSEND: They were given that information approximately a week and a half ago.

MR. DIPPOLITO: Another question related to that. What is the height of the trees in that area?

MR. TOWNSEND: All of the trees are anywhere between 80 and 90 feet tall.

MR. DIPPOLITO: So regardless of where [9] this would be potentially located on the property, it would be 28—

MR. TOWNSEND: Right.

MR. DIPPOLITO: —38 feet higher than any of the trees?

MR. TOWNSEND: Correct.

MAYOR WOOD: Any other questions, Council, for Staff?

At this time I would like to call upon our City attorney, Mr. David Davidson, to advise Council on where we were as far as the system and their discretion in this matter.

MR. DAVIDSON: Thank you, Mayor.

To begin with, the Telecommunications Act prohibits state or local governments from prohibiting the provision of wireless telecommunication services or from passing regulations that have the effect of prohibiting such services.

The federal law does, however, preserve local zoning authority. The City has the ability to talk about and decide the placement, the construction, and the modification of these facilities.

[10] There are some limitations to that bill and the City, though, in that they cannot discriminate against certain carriers or favor a certain carrier, and they cannot make it so onerous that it actually prohibits the provision of such service.

Federal courts have generally held that any ordinance that inhibits or limits the ability of any competitor to enter into a market violates the Telecommunications Act.

With that said, the City does have in its ability under our ordinance the ability to decide whether the construction of a facility is aesthetically compatible to

the surrounding properties. They can also decide that a height is too high.

They do not require collocation, and if they're trying to get a collocation and get three carriers on this site, then obviously that's going to be a higher tower than just T-Mobile would require.

Now, the ordinance also goes into in the past of favoring collocations so you don't have several towers popping up around the city.

[11] Basically, provided that if the company can show or demonstrate a need by the provision of this service in the area, the Council has the authority to decide the construction, the placement, and any kind of modification to the system.

T-Mobile has come forward before, as everybody probably knows by now, and tried to place a cell tower on the City property where the fire department is. That was rejected.

They are coming forward now with another site. There is a possibility for the denial of this site, that unless evidence shows otherwise, that could be seen as prohibiting the provision of service.

Now, I've heard comments both ways that there is service here, it's just not that great, so that's going to be something for this Council to decide.

MAYOR WOOD: Thank you, Mr. Davidson. Does the Council have any questions for Mr. Davidson?

At this time we'll hear from the applicant. If you'll give us your name and [12] address and who you represent before you begin.

MR. GREENE: Yes, sir. My name is Lannie Greene. My business address is 2470 Windy Hill

Road, Suite 346, Marietta, Georgia 30067. I'm here tonight representing T-Mobile South.

I also have with me Marquise Lewis, who is the RF engineer of T-Mobile. She can answer any technical questions you may have or why we need this location. She's actually going to come up and give a brief presentation.

I also have Mr. Beau Simpson here, who is here to answer any questions you may have on the property-valuation studies we've submitted.

I've been involved in site acquisition and permitting sites, acquiring sites for plus 13 years. One of the first steps we as site-acquisition or zoning folks do is, we go in and look at the zoning ordinance to determine what the requirements are by the particular jurisdiction that we're going into.

[13] We also look for other structures that may be available for collocation, which is encouraged by all—most jurisdictions.

That ordinance is written and adopted by jurisdictions to protect the quality of life, public safety, and property values for the residents of Roswell.

We took the City of Roswell zoning ordinance. We looked for a location that would meet our requirements and also meet your code.

The first location we discovered or chose as a candidate was the fire-station property, which was part of your—the City's 2003 Wireless Facility Siting Plan. We actually, I believe, proposed a 150-foot-tall structure at that location, and as Mr. Davidson stated, the City decided they did not want to move forward with that location.

We still have a need to cover this particular area. We went back to the drawing board, so to speak, and looked for additional properties.

Also, I've got one more thing that I'd [14] like to submit. This is a—I'll submit this to Mr. Townsend. There are some other large tracts located along Shallowford Road, and this kind of gives you a reason why we did not approach those properties, primarily just based on the development of those properties. Clearing and grading would be more significant at those locations, the way the houses sat on those properties.

The subject site is actually undeveloped, and there is no house on the particular lot, so I'm going to hand this to Mr. Townsend as part of the record.

As I stated, we reviewed the ordinance to find a candidate that would meet your requirements and would also meet the coverage needs of T-Mobile. As you're well aware, the target area and surrounding areas are zoned primarily residential.

More and more folks are using their cell phones instead of their land lines. It's imperative that we be able to cover these houses with this tower.

People rely on their cell phones for emergencies, and as the City recognizes [15] this, the NIXLE program that y'all now have where people can sign up and get texts or get e-mailed regarding an emergency event in the city of Roswell.

We're going to need to cover the residential areas, as well. People spend more time at home than on the roads in Roswell. This would actually be a part of that infrastructure so everyone that wants to can participate in the NIXLE program. It would be more—

NIXLE would be more effective if it was available to all the residents of Roswell.

There may be some folks in here tonight who say they have coverage with another carrier, and that's just fine. I see that as being shortsighted. That would be limiting the market. Competition—this is competition. Without competition, cell-phone rates would probably go up.

There may be some folks in this room tonight that have T-Mobile coverage and feel that it's fine. T-Mobile—in today's economic times, T-Mobile is not going to spend the money that is required to build [16] the site if there was not a need. There is a need for this particular site. I think we have provided quite a bit of information for you to take a look at showing the need and additional documentation for you to review in regards to this site.

And what I'd like to do now is have Ms. Lewis come up and give you some detail on the more technical aspects of this particular application.

MAYOR WOOD: Before you step down, does Council have any questions for Mr. Greene?

Thank you, sir. You may bring up Ms. Nichols.

MS. LEWIS: Good evening. I'm Marquise Lewis, and I'm at 400 17th Street, Suite 1131, Atlanta, Georgia 30363, and I represent the RF engineering group with T-Mobile.

And we considered quite a few bits of data in order to determine that we had a need in this area. In the area between Shallowford Road and Woodstock Road, T-Mobile is unable to provide reliable in-vehicle and in-building coverage to [17] residents and workers in

that area, and that's what we're seeking to do with this site.

We've actually considered quite a few options. What we try to do is when we're selecting a site and we're trying to optimally place a site, we want to provide continuous coverage to sites that are already in the network while also introducing minimal overlap, so that way we can minimize the number of sites and also the height of sites that we have to develop in that area.

The site that we're currently looking at is a 108-foot monopine structure, is actually a great placement for us in the center of an area around which all sides have that need, so we're placing it right in the middle of an area of need.

We have considered other options. We've considered sites that weren't placed as well, weren't as ideally placed, but we've looked at a high rad center at those locations, for example, the fire station.

I also understand that some of the [18] constituents here had some questions about what's called a DAS system, and that is an alternative way to provide wireless coverage in certain areas and certain situations.

However, when you consider the technical requirements for implementing the DAS and look at the topography of this area, we realize that that is not a viable option in this particular situation.

A DAS system, for example, generally is going to place antennas below 50 feet in height, and there are many antennas. There are low-powered antennas, and they almost require a line of sight to the area that they're providing coverage to.

So when you consider that and you look at this area, you think about its topography and the terrain, you have a lot of rolling hills and you have a lot of foliage, so it's going to be very, very difficult, if not impossible, to provide that line-of-sight requirement to implement a DAS system in the area considering the limitations that are in the neighborhoods that we're trying to cover.

[19] For example, if we were to try to use existing power-pole structures, that wouldn't work because there just aren't enough above-ground structures to provide the level of reliability that we're going to need to provide in the neighborhoods in this area.

And even if, for example, there were plenty more structures and we could place dozens and dozens of antennas on Georgia Power poles, we still have limitations that are imposed upon us by Georgia Power. For example, we cannot use a wooden power pole, so that actually takes quite a few of the power poles off the table that are above ground in the area. So a DAS system is just not a viable option for us in that situation.

So we've considered alternative locations, we've considered alternative technologies such as the DAS technology that many people inquired about, and we realized that we've actually arrived at the best solution for T-Mobile, and that is the 108-foot monopine located on Lake Charles [20] Drive.

Thank you.

MAYOR WOOD: Thank you, Ms. Lewis. Yes, sir? Mr. Orlans, do you have a question?

MR. ORLANS: This system you are referring to, it's called the DAS system?

MS. LEWIS: Yes. It stands for distributed antenna system.

MR. ORLANS: That what I've read that's called a microcell system, is that similar?

MS. LEWIS: It is.

MR. ORLANS: So that's what you're referring to?

MS. LEWIS: Yes. They are considered microcells.

MR. ORLANS: I wanted to clarify that.

MAYOR WOOD: Any other questions?

Yes, Council Member Dippolito.

MR. DIPPOLITO: Ms. Lewis, you stated a DAS is not viable. Is it not viable because you can't physically get it to work or it's just a more costly system that would be financially viable for T-Mobile?

MS. LEWIS: It is more, possibly, I [21] guess, but I'm just here from the RF aspect of it. As far as the RF perspective, the terrain, the foliage in the area is not going to allow us, with the structures that are in the area, to achieve the line-of-sight specifications that we need in order to cover the area via DAS, so I'm speaking only on the technical requirements here, and we don't meet those.

MR. DIPPOLITO: The question was, is it just not feasible to make it happen or is it just more expensive and something that you prefer not to do?

MS. LEWIS: With the current infrastructure, T-Mobile cannot achieve the level of reliability in the search area using the DAS system, so that is correct. It is not feasible for T-Mobile to obtain its objectives using the DAS system in this situation.

MAYOR WOOD: Any other questions? Thank you, Ms. Lewis.

MS. LEWIS: Thank you.

MR. GREENE: And I'd also like to add, too, the DAS microcells, those are more [22] favorable in a—such as a mall or an airport, a large facility such as that where DAS would more likely be used.

I just want to sum up that we have gone out, we have found a site that meets your code. We have designed a site that we feel is nonintrusive to the area. We've provided you photo simulations that, I think, show that.

One of the complaints we always get is, when we take the photos, take them in the fall, there's no foliage cover. In this particular case, there are no leaves on the trees. You can see pretty well that the photo sims show that there will be no significant impact upon the area.

And as I say, if you have any questions regarding the property-valuation reports, Mr. Simpson is here to speak to that, and we're asking that you approve this application. And I would like to reserve any time left over for rebuttal.

Thank you.

MAYOR WOOD: Yes, sir.

At this time we have representatives of [23] the neighborhood who would like to speak as an organization, and I'll begin with that organization by calling Mike Knighton.

MR. KNIGHTON: Hi, everyone. I'm Mike Knighton. I live at 580 Indigo Drive here in Roswell in the Lake Charles Plantation subdivision.

Mr. Mayor, City Council Members, Administrators, it's really great to be here. My, how these last five weeks have just flown by.

I also really feel the need to acknowledge a lot of people in the audience this evening who have helped out enormously in preparing this presentation for you this evening. There's a few people who are not going to speak. I would like to say a special thanks to Ashley, Kim, Mike, Betty, and Wyatt and the presidents and members of various homeowners' associations in the Lake Charles area.

We're going to have several speakers. We hope to keep this brief but cover everything. We have people who are expert or are impacted who will be speaking on [24] various topics.

Christy Levine will be speaking right after me. She happens to be an attorney. She, lives at ground zero. I think she's going to give her views on the potential impact to her and also chat a little bit about the municipal code.

Ken Kavanaugh, who some of you may know, is going to speak. He has quite a bit of background in this, having gone through something similar 15 or 16 months ago.

Next will be my better half, Trudy, who has 30 years' experience in the telecommunications business. She's going to talk a little bit about how we got here and what will happen in the future.

Tish McQuillen will be chatting next. She is a T-Mobile customer, and she's going to chat about T-Mobile's coverage in the area.

Sherry Ward is a lending professional who will be speaking after Tish. I expect her to chat about the potential financial impact of this cell tower.

Trent Orndorf is not from the Lake [25] Charles area, but he lives here in Roswell. He lives in an area that he believes has been impacted, been degraded by a cell tower that was erected nearby.

And finally we're going to have Major Chris Buck, who he and his wife, Wendy, also live at ground zero, and they're going to—I believe Chris is going to chat about some concerns he has regarding health.

You know, two weeks ago, I have to admit, speaking in front of this group the first time, I was pretty nervous. So I thought just to make myself more comfortable, I would see if I could encourage a few of my friends to come and give me support.

Mr. Mayor, would it be all right if I asked a question of the audience?

MAYOR WOOD: Yes, sir.

MR. KNIGHTON: Anyone here who's opposed to this application like me, would you raise your hand, please?

Thank you.

I do feel quite a bit better this evening.

[26] (Laughter.)

MR. KNIGHTON: I want to say a special thanks because I'm to his part how Brad and Jackie have been absolutely fabulous for us, and I really appreciate the help that they've given us.

Trudy and I moved here six years ago. We moved here because we really liked Roswell. We love the

green trees, love the quaint downtown, like the bicyclists. We really like the overall quality of life.

It's my opinion that this group, City Council or this body, is responsible in a large part for the quality of life that we enjoy. We don't have barking dogs. We've got limits on boom boxes. You allow homeowners' associations to do something that I kind of like, and that is, you banned the flapping tighty-whities in the next neighbor's yard. I understand that there's something coming up about pot-bellied pigs. I've never seen one, but sounds like it might be a good thing. Somehow y'all are faced with the proposition of an 11-story cell tower going in a backyard in a [27] residential neighborhood.

I listened to Lannie, and I have to tell you, I understand what he's doing, it's his job, but nothing new has been presented. It's kind of the same stuff that we heard nonanswer answers, and we're taking wishes, and we're—I'm sorry—he's taking wishes and presenting them as needs.

There are Photoshopped pictures that he referenced superimposed on where they think the balloon will sit. I don't know where the balloon was because most of the time, you couldn't see it. I don't think they do, either, but they had guys running around taking pictures.

A picture, like they say, is worth a thousand words, and I'm hoping a short video will be informative for you, too. Mr. Townsend, if we can stop at 18 seconds.

I hope y'all can see the balloon there. Got a little oscillation. Beautiful day it was. Sky is blue. Oh, my, it's going down. Okay. How about there?

I don't know. If that's 108 feet, I'm missing something. It looks to me like it's [28] more like maybe, rough height, 10, 12 feet. If T-Mobile's proposing a tower at that height, I think we've got something different to talk about, but they're not.

And they described this—thank you.

They described this as, or maybe it's Mr. Townsend, as a stealth tower. And, you know, when I hear stealth tower or stealth technology, kind of reminds me when I was a kid, probably second or third grade, occasionally a teacher would pass out something, you had to find the hidden objects in the picture. It was a wrench or something like that.

First, I want to show you—first, I'd like to show you some pictures that were taken around the neighborhood. This is T-Mobile. That's their Picture Number 25 in the vicinity of 525 Indigo. That's about 60, 70 feet from my front yard.

And as you can see, they identified the balloon is invisible. Fair enough. Maybe it was down low where we saw it in the video a minute ago.

Coincidentally, we have 50, 60 people [29] running around taking pictures because we were all pretty interested. You can see the balloon there. We've got another one that essentially that's the same house, same general angle. We've got another picture that shows the balloon here on the right side of the house.

So ultimately I think there were some flaws in the balloon test. I wondered whether the balloon ever reached a total of 108 feet. If it did, it was only for a split second or two.

But I mentioned the pass-out where you get to find the objects, and this is called stealth technology, I

understand. I would like to do the same thing here and see whether you can find the cell tower in this picture.

(Laughter.)

MR. KNIGHTON: Well, I'll tell you, chose not to use—and I'm going to acknowledge this right now. We didn't use one of the Photoshopped pictures that T-Mobile presented for this application. This is the one that was at the Mountain [30] Park site, but I think the point is made. Does anybody need more time?

(Laughter.)

MR. KNIGHTON: Then I'm going to do the same thing with this picture. We searched around and found this. Can you find the cell-tower base station hidden behind the trees here? We think there's some real questions about the visual impact and blight that have been unanswered.

That will start things off, I think, for you.

At this point, Ms. Levine.

MS. LEVINE: Good evening, everyone. My name is Cookie Levine, and I live at 1064 Lake Charles Drive. The back of my property backs up to the proposed site on Mr. Sherer's property.

Most of you have been there, and if you haven't, I talked to you on the phone, and I appreciate you coming to look and see what it would look like if it was put there.

A while back I went up to Home Depot, and I bought a floor fan, you know, one of those tall models on a stand that you might [31] keep at home when the air

conditioning goes out or one room in the home just doesn't cool quite good enough.

So I came home with this fan, and I didn't need it right away, and I had to figure out where I was going to store this thing. Well, I didn't want to put it in the den. I didn't want to put it in the dining room. I don't have a basement. So what I ended up doing was putting this floor fan in the garage, and the reason I put it in the garage is because there are parts of my home that I want to keep pretty. And I think it's the same thing with these cell towers.

We've got commercial areas. We've got industrial areas. We've got places that it is more appropriate for them to be, and those are important economic areas of the city. But the neighborhoods, the residential areas, those are the heart and the soul of our city.

A lovely city Roswell is, and if you start slicing and cutting into the residential areas of the city, I think it's going to mess up something, and you just [32] might not ever be able to get it back.

I don't think I'm any different from any of you up there or anybody else in this room. When we go home at night to our neighborhoods and our homes, whether we sit on a porch or a deck or whatever we do, that area that we see is our little piece of heaven, and I think it's that way for all of us.

And this is where we go to replenish ourselves, to fill up again so that we can go out the next day and fight another day, whatever battles, work, or whatever we have to do.

And I want to suggest to you that the neighborhoods, the residential areas of Roswell are the places that we

need to keep looking pretty. And now I would like to talk to you—

(Applause.)

MS. LEVINE: Thank you. You guys are awesome.

And now I'd like to talk to you for just a moment as a lawyer. Can we blow that up? I have read what Mr. Davidson was [33] referring to. It's nice to meet you. I have read the federal statutes. I have looked at that. I have looked at the ordinances. I've looked at some of the zoning, and here's how I see it.

I think Mr. Davidson is certainly correct that you cannot keep the cell towers out. They have to come in. You can't just arbitrarily say no way. But absent that, as Mr. Davidson said, you have an enormous amount of say-so and control over the placement, the zoning ordinances that are most appropriate and relevant for you to take into account, and you have say-so over the placement and where these things go and how they're constructed.

And what's really important to look at is a step-by-step process, in my view, as to whether or not your decision in this matter is reasonable.

If there is a substantial amount of evidence that will underlie your decision, and if it is found to be reasonable, then that's what I think is important here.

And when this thing first came up, the [34] first thing I did was go and look at the telecommunications, the standards for wireless-communications facilities under the Roswell ordinances, and I don't think we need to go any farther than the purpose and intent.

I've said this before. I really love these ordinances and the way they're written. They're not full of

legalese, anybody can understand them, and there is a spirit to these ordinances that really says a lot.

And if we can just take a look at this here, the purpose is to establish guidelines for the siting of all wireless-communication towers and antennas, which will encourage the development of wireless communications while protecting the health, the safety, the welfare of the public, and maintaining the aesthetic integrity of the community. That says a lot right there. These are the neighborhoods. The goals: to protect residential areas and land uses from potential adverse impact of telecommunication towers, antenna support [35] structures, and wireless-communication facilities; to minimize the total number of towers and antennas within the community; to locate telecommunication towers and antennas in areas where adverse impacts on the community are minimized; to encourage the design and construction of towers and antennas to minimize adverse visual impact; to avoid potential damage to property caused by wireless-communications facilities; and next, under little F, to preserve those areas of significant scenic or historic merit.

I think these are very purposeful ordinances. I think what you have to look at and consider is, you've got two elements of this. You've got the aesthetic impact, and you've got potential adverse damage to the property. People who come after me are going to discuss the potential adverse impact.

If you make your decision based on the aesthetic inappropriateness of the placement plus adverse impact on the properties, then the basis of your decision is reasonable. [36] And I cannot imagine any jurisdiction in the country or any trier of fact who would feel differently.

I thank you very much. You've all been quite responsive to me when I contacted all of you, and I appreciate that, and I wish you the best of luck.

(Applause.)

MR. KNIGHTON: Ken Kavanaugh.

MR. KAVANAUGH: Mr. Mayor, City Council, thank you for listening to us this evening on some very important issues to your community.

My name is Ken Kavanaugh. My wife, Betty, and I have lived in Roswell for 22 years and lived at 1305 Lake Charles Drive. I'm a commercial real estate consultant, broker, investor, and author, as well.

Like many of the neighbors that fill this chamber tonight, my wife and I oppose the T-Mobile cell-tower application at 1060 Lake Charles Drive.

We hope that after you hear our community's strong objections against the construction of the tower in our [37] neighborhood that you will judge fairly our evidence and deny the application.

The focus of my comments tonight deal with case law supporting cities that have been successful in denying cell-tower permits. I have to add, I may be a little mixed up with Cookie, she's the attorney, but here I am. So although I'm not an attorney, I have served jury duty.

(Laughter.)

MR. KAVANAUGH: While deliberating these regulations of the telecommunication industry, the Telecommunications Act of 1996, which we all are hearing a lot about these days, Congress had the wisdom to foresee the need to give local jurisdictions the power of maintaining reasonable influence over

zoning, location, and siting of proposed communication towers.

Sort of restating some of what David covered earlier, Section 704 of the '96 Act preserves local-government zoning decisions. However, the section also limits the state and local governments of what you can do.

The telecom industry has been known to [38] go to court if their applications are denied. I would like to make a point here tonight that they don't always win.

The telecom industry tends to litigate, based on my research, on no substantial evidence to support the municipality's denial, unreasonable discrimination, i.e., favoring one carrier over another, prohibition on cellular services, and procedural errors by the municipalities.

I submit that we are providing testimony tonight that qualifies as substantial evidence. Also, the denial of the subject application would not rise to the level of unreasonable discrimination against a particular wireless carrier.

Roswell has allowed approximately 30 locations for communication antennas, and there are 67 communication towers within a 4-mile radius of Lake Charles Drive, thereby eliminating the argument of prohibition of cellular service in our area.

Roswell's system of records, transcriptions, and written notices provide reasonable written records to T-Mobile. Key [39] reasons this nation's courts have upheld the denial of cell-tower applications include zoning; aesthetics as they impact the community; testimony about loss in property value, which you will hear tonight; and safety concerns about the towers falling.

As an example, I would like to refer to two cases that were settled in favor of the cities. Also, the Supreme Court has ruled unanimously that telecom companies could not sue municipalities for monetary damages for refusing to permit a cell tower.

A U.S. Court of Appeals of the Eleventh Circuit, which has jurisdiction over Georgia, had a case. The U.S. District Court for the Southern District of Florida ruled in favor of the local zoning board in the Village of Wellington saying the board did not improperly reject the application of a wireless agent in 2003.

The application was for a 120-foot monopole with antenna concealed inside to be built in the village's golf and country club within a residential community.

At a 2003 meeting, the village, after [40] hearing the residents' objections, refused to issue the construction permit. The residents' primary objection was what the impact of the pole would have on housing values.

The residents testified they would not have purchased their homes in that location if the pole was present. A local realtor testified that the cell tower would adversely impact home resale values.

The wireless agent from Metro PCS sued the Village of Wellington. The District Court held that the village did not violate the Telecommunications Act.

The wireless agent then appealed the ruling to the U.S. Court of Appeals for the Eleventh Circuit. Among his arguments was that the village denial was not supported by substantial evidence as required by the Telecom Act.

In May of 2005, the Court of Appeals affirmed the District Court's decision. A key element of their opinion was that aesthetic objections coupled with

evidence of adverse impact on property values and [41] safety concerns can constitute substantial evidence.

The second case I would like to cite is U.S. Court of Appeals for the Fourth Circuit, which is in Virginia. In 1997 the City Council of Virginia Beach voted unanimously to deny the application of AT&T Wireless and others for a conditional use permit to erect two 135-foot communication towers on a Methodist church's grounds.

The Planning Commission unanimously voted to recommend the approval. The City Council, after receiving over 700 signatures and testimony opposing, denied the application.

The applicant sued in District Court and won. The City of Virginia Beach then sued in U.S. Court of Appeals. The Appeal Court reversed the District Court's ruling primarily based on the following grounds, and I quote:

“In addition, the evidence shows that the opposition to the application rested on the traditional basis of zoning regulations, preserving the character of the neighborhood [42] and avoiding aesthetic blight. If such behavior is unreasonable, then nearly every denial of an application such as this will violate the Act, an obviously absurd result,” unquote.

One more quote. “In all cases of this sort, those seeking the bill will come armed with exhibits, experts, and valuations. Appellees, by urging us to hold such a predictable barrage mandates that local governments approve applications, effectively demand that we interpret the Act so as always to thwart average, nonexpert citizens, that is, to thwart democracy.

“The District Court dismissed citizen opposition as generalized concerns. Congress, refusing to abolish local authority over zoning for personal wireless services, categorically rejected this scornful approach.”

We’re not against cell towers. I bet almost everybody in here has a cell phone somewhere, and we would like to, I’m sure we are all pressing on you, that we are defending our neighborhoods from the [43] encroachment of commercial and industrial uses.

One more little point at the end here. Mike asked me to comment on migratory birds. The U.S. Fish and Wildlife Service estimates between five and fifty million—little loose on the numbers there, but five million is pretty good—birds are killed in the U.S. each year in collisions caused by telecommunication towers.

The U.S. Court of Appeals recently issued a ruling ordering the FCC to evaluate the potential adverse effects of communication towers on migratory-bird populations of the Gulf Coast region and the United States. The FCC is renewing their regulations to consider the environmental impact of these towers.

Thank you for your attention.

(Applause.)

MR. KNIGHTON: Now my better half, Trudy, Trudy Knighton.

MS. KNIGHTON: Hello. My name is Trudy Knighton, and I live at 580 Indigo Drive in Roswell, Georgia.

[44] As Michael mentioned, I’ve been in the telecommunications business for over 30 years. I’ve been on the side that we call the wireline side, as well as

wireless, and I have actually read the Telecommunications Act of 1996.

I thought you might benefit tonight from understanding a little bit of the history of T-Mobile, where they started, where they came from. The wireless/cellular industry has always been kind of a crazy place, tumultuous, a lot of acquisitions, a lot of spinoffs, a lot of consolidations, and T-Mobile in their origin is not unlike the rest of those companies.

T-Mobile began as a company called Western Wireless out of Bellevue, Washington. They were a carrier that specialized in providing cellular service to the rural community.

Ultimately, though, they were spun off, and then they were acquired by Deutsche Telekom in 2001. Deutsche Telekom, not surprisingly, was formed from the former German state-owned monopoly Deutsche [45] Bundepost, so, and interestingly enough, the German government still owns a sizeable stake in the parent company.

You might ask, so what? What does this mean to us? Well, I just find it interesting that a German company is using U.S. law against us to further their own business pursuits. What can they possibly care about our neighborhood or our town or our quality of life?

Frankly, every couple years there's an article about the possible spinoff of T-Mobile from Deutsche Telekom because of their lagging sales, their lagging customer acquisitions. Might they not just be building more cell towers to shore up their business for sale? Sounds like it could be likely to me.

Let's talk a little bit about market share. T-Mobile is the fourth largest carrier in the country, and right now we've seen that they have anywhere from three-tenths of a percent to 10 percent of market share depending on who you talk to.

We tried to find out from T-Mobile how [46] much market share they had, but they won't tell us, so we took a scientific poll. We polled the attendees of the Planning and Zoning meeting a couple weeks ago. There were 104 people there from the neighborhood, and we asked them who had T-Mobile service. Three people raised their hand. Three percent?

If you extrapolate that to Roswell at large, we have 90,000 people in Roswell according to the census, and let's assume that every man, woman, and child has a cell phone, and that means infants. Everybody has a cell phone. That's roughly 700 people in the city of Roswell who have T-Mobile service. Take that just a step down. Narrow it down to our little neighborhood. How many people are there? We're talking about putting an 11-story cell-phone tower in a neighborhood to serve a handful of people. Seems kind of absurd to me.

T-Mobile is relying upon the Telecommunications Act of 1996 as a basis for this proposed tower. It's interesting, though, the Act says that wireless carriers [47] have to provide service in cars. It doesn't say anything about service in homes, and it doesn't say anything about data service. That's just a T-Mobile wish.

Then they talk about 911. T-Mobile is saying they need a tower to provide this service. Okay. Fair enough. There are a couple ways to provide 911 service.

One is to use three cell towers to basically triangulate the cellular caller's location. That's what T-Mobile wants to do.

The other is to use GPS, and what that means, you've got to have a handset that's GPS capable. That is the other method. It is the more superior method.

You know, it's kind of interesting, I think it might be cheaper to equip every T-Mobile cell-phone owner with a new handset with GPS than to put up an 11-story tower.

(Applause.)

MS. KNIGHTON: Another concern we have is the Katrina Rule. This rule was put into effect after Hurricane Katrina, and it said that cell-phone providers had to maintain power to the towers in case of a general [48] power loss.

The rule was in force, but it isn't any longer. It's on hold. The cell-phone providers had a little difficulty with the language. That language is being rewritten, but we're pretty sure that this Katrina Rule is going to come back in some way, shape, or form.

And what means is that T-Mobile would have to provide continuous power maintained service from this tower in the event of a power loss.

Now, that means to me, it means a generator. It means a diesel generator. It means diesel fuel. It means diesel storage. It's not on their diagram today, but you can darn well bet it's going to come back.

You know, it's real interesting, you know, they're so concerned about providing 911 service, they don't have backup power to this tower that they're proposing right now.

What happens to 911 when we lose power in the Lake Charles neighborhood? Frankly, for everybody who lives in that neighborhood, we lose power when the wind [49] blows. I mean, seriously.

(Laughter and applause.)

MS. KNIGHTON: You know, finally, technology is an awesome thing. It's moving fast. It's moving faster than I've ever seen it, and frankly, folks, I have been in this business a long time. It's hard to stay on top of it, and it's awesome.

Everything is becoming miniaturized. I mean, we bought a new television two weeks ago. It took four guys to move this monster out of my living room. We replaced it with a big old screen that I can take and move anywhere in my house without even, you know, stressing about it.

I've got a PDA on my desk, a BlackBerry. I can do everything on this PDA that I can do on a laptop. That 10- to 15-pound brick I tend to carry around everywhere, I can do it now on a PDA.

Cell-phone service is no different. It's not ten years from now that the cellular technology is going to be there to go small. It's coming fast. AT&T just announced the Gizmo for 150 bucks a month. [50] You can put it in your house. It's like having a mini tower right in your house, and you're going to have awesome service. Where's T-Mobile with this kind of technology? Why aren't they out there with it?

You know, and finally, what happens when technology evolves? It evolves fast. And a couple years from now, five years from now, ten years from now, those cell towers are obsolete, and those carriers don't care about them anymore, and the weeds start

growing up around them, and the cell towers start to rust. Who's going to take those out? We're just going to get to live with those forever and ever.

So I thank you-all for listening, and I'm really opposed to this cell-phone tower going into our neighborhood.

Thank you.

(Applause.)

MR. KNIGHTON: Tish McQuillen.

MS. McQUILLEN: Thank you.

My name is Tish McQuillen, and I live at 2 Meeting Street, Roswell. And I'm not [51] as well-spoken as my friends over here, so I'm going to read my statement, and you'll be very glad that I read it as opposed to rambling.

(Laughter.)

MS. McQUILLEN: Mayor Wood, Council members, good evening. There are a few things I'd like for you to know up front. I've been a resident of Roswell for over six years, and I'm retired from the banking industry for over 12.

And according to Google Earth, I live approximately 250 yards from the proposed T-Mobile cell tower right out my front door. And I've been a T-Mobile cell-phone customer here for five-plus years, and I have always had excellent reception on my T-Mobile cell phone.

Approximately five weeks ago, I became aware of T-Mobile's application to place a cell tower at 1060 Lake Charles Drive, and in that application one of T-Mobile's many claims is that their customers experience a loss of cell-phone coverage in our area,

and it says T-Mobile conducted what is known as [52] a drive study that supports their claim.

Well, when I read this, I thought, wow, the gap in coverage really must be extensive for T-Mobile to be spending six figures or over six figures, who knows, to install a cell tower. So I decided to conduct my own drive study to see where these huge gaps in coverage were.

To do this, I armed myself with my very specialized equipment: a map; a ruler; a Number 2 pencil; a cup of coffee, Starbucks; and my T-Mobile cell tower—excuse me—cell phone. And I drove within a 5-mile radius of my home for approximately two hours and covered approximately 46 miles using my T-Mobile cell phone.

Additionally, I made phone calls from inside my home at 2 Meeting Street. Excuse me. My findings are in the affidavit submitted to City Council, and my findings are simple. I did not drop one phone call, and the coverage was clear the entire time.

As a T-Mobile customer, the results of my drive study tell me that T-Mobile has excellent coverage in a 5-mile radius of [53] 1060 Lake Charles Drive, and so I would suggest—and I would love to be able to hand a green crayon to the gentleman from T-Mobile and tell him that I would like to cover in this map because I think there's great coverage there.

I will admit, however, that there are obvious issues with my study. I didn't enter each and every home along the 46 miles and test my coverage. Nor did I make 911 calls from those houses which, of course, I'm sure you're glad I didn't, and I used very unsophisticated equipment. But to me, isn't it the

point of coverage as simple as whether my cell phone works or not?

If there are small pockets where gaps in coverage exist, I say that they are very, very small. And as you know, there are many alternative and less-expensive solutions available to telecom companies to provide coverage and to fill gaps.

I have a brother-in-law that's one of those smarties. He happens to be a Ph.D. in physics. He worked for the government for 30 years in telecommunications and now [54] teaches telecommunications at George Washington University in D.C., so I've had some conversations with him over the past five weeks, as you can well imagine.

I asked him this side and that side, and he tells me that the future—that's my question: What is the future? And he says it's the microcells. That is the future; that's where it's going. So I trust him. He's a smarty, and he knows what he's talking about.

So the question is, so why aren't they using these alternatives, and what is the action against our neighborhood really about?

Well, is it about forging technology, wi-fi? Is it about T-Mobile shoring up their inferior technology? Is it about a foreign entity building a franchise to sell out in a few years, or is it about money?

What we do know, it isn't about the company providing cell coverage for their customers in the Lake Charles area, as T-Mobile's application claims.

Let's face it. Over the last 17 [55] months, the Lake Charles area has been under siege by T-Mobile. If it doesn't work here, let's try down here. You know, if it doesn't work there, well, you know, we're going to try

down here. And based on this pattern, we know this will continue.

We have 1,011 citizens that signed the petition, hundreds in red shirts, and one to two or three citizens that may have sent you e-mails and maybe made a couple phone calls.

We implore the City Council to protect our residential communities and all the residential areas throughout the city.

I personally decided to have faith in my City Council. I have faith that you will have our best interest at heart during this vote, that you will protect my neighborhood from these commercial structures, that you will develop a plan to answer our technology needs that doesn't involve a tower in a residential area, and that you will not let another neighborhood in the city of Roswell go through what the citizens of the Lake Charles area have had to go through over the past 17 months.

[56] In reference to the balloon test, I saw the balloon. It was 20 feet above the treetops, and it stood there for the time it took for me to run back into my bedroom, grab my camera, and run back out, and it was gone again. I'm guessing that was three minutes.

From that period of time that it was above the trees, it never reached the trees again for the entire test time, so I don't think the test was valid.

I will see the tower from my front door, and I will see it every day I walk out in my front yard.

Again, my name is Tish McQuillen. I am adamantly opposed to the cell tower, the first on residential property anywhere in Roswell.

Mayor Wood, Council members, thank you.

(Applause.)

MR. KNIGHTON: Next will be Sherry Ward.

MS. WARD: Good evening. My name is Sherry Ward. I live at 600 Oakstone Drive right around the corner from the proposed [57] location. I'm a mortgage banker with the largest residential lender here in metro Atlanta. I'm a native of metro Atlanta, as well.

I'm strongly opposed to the proposed location at 1060 Lake Charles Drive and any residential neighborhood location, and I want to tell you why.

As part of my job, I deal with residential appraisals on a daily basis. Essentially, a property will be assigned a value based on things such as square footage, number of bedrooms, upgrades, location, and the view that that property will have. I'm going to come back to the view here in just a moment. They're also based on what homes that are similar to that home, will be called comparable homes or comps, have sold for within usually a 1-mile radius and usually within the same neighborhood or subdivision.

For the purpose of a mortgage, we look at homes that have sold within the most recent six months, those that have sold most recently working backwards. If you can't [58] find enough homes within the recent six months, we'll go back as far as 12 months and use that data for our analysis.

When you mention view, homes that have what is considered a superior view are going to seek a higher sales price and higher sales value and appraisal value. Those with an inferior view are going to seek a lower sales price and lower appraisal value.

A superior view would be things like view of mountains, view of a lake, view of the woods, things like that, depending on where you're located.

For those of us in the Lake Charles area, some people could advertise—if they're listing their home for sale, they could advertise they've got a view of the lake. Others could advertise they've got a wooded view, creek, pool in the backyard, all sorts of things.

Today we're here because we've got the option to discuss whether or not we get to advertise a giant cell tower in our yard.

(Laughter.)

MS. WARD: So for some of us, that [59] might be a good thing. Others of us, it's not a selling point, doesn't really invoke the same kind of tone or sales factor that the lake with cute little ducks does, so I guess you kind of get the point there.

So what happens when you have something like a cell tower in your yard, something that we consider ugly or unsightly or unappealing in view of your home, people are going to buy a home that has the lake view. They're going to buy something with the wooded look.

That home that faces the cell tower is going to sell for less, and that's if it sells at all. Those people that have that home, if they have to leave—and people do have to sell their homes. They get job transfers. People get sick. They need to relocate. People get divorced. Things happen. They can't sell for what they needed to. It may go into a short sale. It may go into foreclosure.

When you see short sales and you see foreclosures, you really have a problem. It may sound dramatic, but it's reality. I see [60] it every day. I get phone calls

every day from people that can't sell their home, they can't even refinance their homes because they're upside down. They owe more than it's worth. They may not be able to sell it for what they paid for it a few years ago, and it's heartbreaking. It's very, very, very sad, and there may be nothing wrong with their home. It may be a beautiful place, perfect home, great school district. They may not have a cell tower that they have to battle with, and they already have an issue.

You add a cell tower to the mix, it's a hopeless situation. Power lines, anything like that, it's just a bad situation, and it doesn't make sense.

Buyers today are extremely picky. I've got two customers I'm working with right now. They wrote contracts, binding contracts where they put down earnest money. They paid for home inspections. This is an expense, and people are tight with money today.

They paid for those home inspections, [61] went through the entire process, and changed their minds, backed out of the contract, and I'll tell you why.

The first customer decided that the house sat too close to the neighbor's house. That house was sitting there the entire time. The house didn't get up and move. It was there, didn't go anywhere.

Now, I've done my job. I did all my work. I was a little frustrated. Agents get a little frustrated, but that's our job. So if you don't think that person's going to think twice about a cell tower, think again.

The second customer decided their house was too close to a highway. I can hear the cars. I can hear the cars at night. I'm never going to sleep. I don't think I'm going to be able to resell this house. Somebody else

buying this house is going to think it's too close to the highway, too.

They did the same thing, earnest money, paid for inspection, backed out of that contract. Buyers are picky. They're not going to buy a house next to a cell tower, not in this market, not when there are other [62] houses to chose from.

Just so you don't have to listen to just my opinion, I also solicited the opinion of a real estate professional here in metro Atlanta. I asked Todd Roseberry, who is also a native Atlantan. He's been in the business of real estate for 16 years. He's the owner of multiple Keller Williams real estate offices and has managed an office with over 100 agents for six years.

I'm going to quote him here. To quote Todd, "Cell towers kill, your neighborhood values, that is. The median price drop from a cell tower in a residential district will be between 5 to 35 percent per home on average. The homes closer to the tower will have a higher depreciation, and the homes a quarter to a half mile will be lesser.

"You can argue all day long with whether cell-tower transmission does or does not affect someone's health. We have been doing this since the seventies with power lines. You'll find endless and very compelling research that will prove that there is or is not a health effect, and I [63] promise you, the results of each study will depend, A, which side you're on and, B, who's selling what.

"The bottom line from a real estate valuation perspective is the old adage, perception is reality. Buyers perceive a health threat with transmission towers, whether the threat is real or not. In addition,

they're ugly. It's America. Like it or hate it, ugly doesn't sell."

(Laughter.)

MS. WARD: "In the current market, some homes affected won't sell at all. Those would be homes within an immediate proximity and/or visual range. These homes will not be a saleable commodity in this market until the market stabilizes.

"It's common sense. Why buy near a tower when there are hundreds of comparable choices not near a tower? Specifically, in the 30075 ZIP code, 30075, in single-family homes, the average supply in the first quarter 2010 was a 13-month supply."

And what he means by supply, the amount of homes that are listed for sale versus the [64] amount of people available to buy those homes.

"A stable market is a six-month supply or less. Roswell is two to five years from that number when you're talking about all of Roswell as a city.

"Your home is not close to the proposed location of the tower, you say, and you think you won't be affected. Think again. Scenario, there will be homes—homeowners within the affected area that will have to sell.

"Job loss, death, divorce, relocation, those that must sell will, and usually that means a foreclosure. Bank-owned properties sell for 25 to 50 percent or less than average on market. Okay. Now, that means it's time for you to sell. You get a contract, but guess what, it doesn't appraise. Your deal dies, and now you have to reduce your price. Transmission towers equal lower home values."

That's what Todd had to say.

I have one last question for you. As of March 31st, in the 30075 ZIP code, there [65] were 445 homes listed for sale, and your house sits next to that cell-phone tower, and you're the one house listed for sale that sits next to a tower. What do you think your chances are of selling that house if you're one out of 445 next to a tower?

That's all I have to say. I'm against the tower.

Thank you.

(Applause.)

MR. KNIGHTON: Trent Orndorf doesn't live in the Lake Charles area, but he's got a perspective that I think might be worth you-all hearing. Trent?

MR. ORNDORF: Mayor Wood, City Council, fellow residents, just in the interest of full disclosure, we do not have a cell tower in my neighborhood. That keeps being told, but in the neighborhood we would be square where the threat of the cell tower was.

You remember a couple years ago. I don't know if you remember that time frame, 2003, 2004, but my name is Trent Orndorf. I live at 180 Worthington Hills Trace Drive in Roswell, Georgia.

[66] Came here in 2001 with the U.S. military, my wife and I. We both were active duty, actually showed up here, were shown the housing area down in Fort McPherson, about had a heart attack, and discussed driving to Fort Bragg, North Carolina, so I could go back to the 82nd while on duty there and find a place to live.

And we had a real estate agent call us from up here in Roswell. They said Roswell is like 30, 34 miles away. We'll look. We're not living down here. So we

drove up to Roswell, fell in love with the place, found a nice little neighborhood. Price was good.

We figured we'd turn around, sell the house when we got orders to go somewhere else—with the military it happens all the time—and just decided we wanted to stay, and we both got out.

We have two kids. We live in a fantastic neighborhood, and we had the threat of the cell tower. We had a homeowners' association. We had discussions [67] with the homeowners' association how we were going to fight against it.

In one month, 35 homes went on the market in our neighborhood. Out of that 35 homes, almost every single one of those residents put their home on the market because they were scared to death what was going to happen when a cell tower came up and they were going to lose the value of their property, so they made the decision to put it on the market ahead of time.

The entire summer, at least 25 to 35 homes were on the market every single day. That neighborhood went from being a nice middle-class neighborhood to now—we talk about views. My view is now chickens, not always alive, dead chickens sometimes, garbage, vehicles, all kinds of junk that you can't even believe.

I spend more time calling the City asking for clean-up. I drive out of my neighborhood, I see gang graffiti. I see drug deals. That's also coming from a Roswell Fire Department member. I'll leave his name out of it, but he has talked to the [68] chief of police several times about the drugs deals that occur both in front of his house and behind his house.

That neighborhood is tanked to the point that right now my wife and I are looking at losing seventy to eighty thousand dollars in our home to get out of that neighborhood. We are really, really disappointed in what happened to that neighborhood.

When I came in here, we were doing the confirmation for Milton County two weeks ago, and I heard them speak. I approached them afterward and said, I'd like to tell you what happened to me just on the threat of a cell tower, just a threat.

I'm telling you, they can say whatever they want to do about property values not going down. We experienced it. If you want to experience it, come on over to my neighborhood. Come at night one time. It is a disaster.

And I know what gang graffiti looks like, and I know what drug deals look like. I've been around the block more than once. [69] I'm telling you, we will be out of that neighborhood.

If we can't find a decent home in the Roswell area, we're gone. We'll leave Georgia, and I'm extremely disappointed in that. I really—as much as I love Texas, never thought I would be going back, but we are really seriously considering that now.

So I would suggest to you that you—recommend, suggest you listen to me. Deny this application. Allow these people to keep their residence in a decent—allow them to keep their property values and keep this city pretty. That's why we stayed, and thank you for your time.

(Applause.)

MR. KNIGHTON: Major Chris Buck.

MAJOR BUCK: I know it's getting late, so I'll keep it brief.

Mayor Wood, City Council members, my name is Chris Buck. My family and I reside at Maycroft Court, less than 300 feet from the proposed cell-phone-tower location.

My family I moved to Roswell in 2005. I'm blessed to have a wonderful 3-year-old [79] daughter, Emily, and an equally wonderful 6-month-old son, Daniel.

Wendy and I feel extremely fortunate to be able to raise a family in such a wonderful community with excellent schools, abundant parks, and many other places for a growing family to spend its time. I know that Mayor Wood and the City Council members have devoted much time and effort into creating and nurturing such a community.

I'm here tonight as a concerned parent and resident of Roswell because I think we are about to take a step off the track we are on and potentially make a decision that would hurt our community.

I'm deeply concerned because I do not want my children or the children of anyone else to grow up less than 300 feet from a cell-phone tower.

I've been told that there are no negative health effects from cell towers. I've also been told that this tower will not lower my property value. The truth is, there is no data showing the long-term effects of cell towers on growing children. [71] Don't take my word. Take the National Academy of Sciences' word.

The issue that we are debating tonight is the property-rights issue. The citizens of Roswell have the expectation and the right to live in a safe community.

Tonight we set a precedence on what we believe as a community and what direction we want to take the city. Do we want to side with our citizens for a better community or do we want to side with a corporation with short-term goals for increasing sales with no regard for who or what it affects?

I work in the aviation field, which is naturally very safety conscious. Whenever I discuss safety with a new employee, I give them the adage that drives my safety philosophies. If it doesn't look right or feel right, it probably isn't right, and it probably isn't safe.

I ask you tonight, is it right that a family should have to raise its children less than 300 feet from a cell-phone tower? Does that feel right to you? I know what my answer is. Is this the precedent we want to [72] set? Is this the Roswell we want?

Thank for your time. Thank you for your thoughtful consideration.

(Applause.)

MR. KNIGHTON: Mr. Mayor, just a couple of closing notes. Mr. Greene mentioned in his presentation—I think it was the phrase or certainly the word competition.

You know, we're in favor of competition. It's kind of amazing to me that that can be justification, when, number one, T-Mobile provides wireless service in the area; number two, their competitors, AT&T and Verizon, provide all sorts of services in the area.

Kind of sounds like you want to compete, but in the case of T-Mobile, let's say you're running the 100-yard dash, they want to start at the 50-yard line.

There's a whole lot of information that we've asked for, we got responses, but we didn't really get the info,

and potentially we're talking about pulling 5, 10, 15 million dollars in value out of our properties.

[73] I think that we deserve some direct answer to some questions. We asked them to substantiate their claim that they have local customers who demand service, and they came back and the word was, that's essentially proprietary.

We asked them to substantiate their claim that their customers are giving up their land lines. You heard it again this evening. They came back and said, well, that's proprietary.

We asked them to tell us—this is kind of a simple one—where is their MTSO, basically the central station. It's got to be somewhere because it's not onsite.

All we wanted to get a sense of was how much digging and trenching is going to take place on Lake Charles 'cause we've just gone through that, and it's not a picnic, and the word we got back was, that's proprietary.

You know, when I was a little boy, I would get into an argument with a kid, and if it started to get a little hot, my dad would say go out and give a licking or take one. But if I knew I was going to get one, [74] sometimes I'd find my mama and literally or figuratively hide behind her.

Based on some of the stuff I've heard, I think my mama would have called me proprietary. I think my daddy would have called me chicken, which kind of brings us full circle.

You know, given a choice, I'd rather have a whole mess of chickens next door than an 11-story monstrosity cell tower. There's really four things that

we talked about in our presentation, and I want to thank for your forbearance. We didn't expect it to take this long.

Talking about health risks, the stuff that hasn't been determined yet. We're talking about property values. We're talking about blight. We're talking about potential impact to the environment, all of which combine to impact, potentially impact the high quality of life that we have in Roswell and that we have in the Lake Charles neighborhood.

We like our town. We like our neighborhoods. We'd like to keep that [75] quality of life, and I encourage members of Council to deny the application as has been submitted.

Thank you very much.

(Applause.)

MAYOR WOOD: Does anyone else wish to speak?

Yes, sir. Come forward.

MR. ANDERSON: Thank you, Council members, Mayor. My name is Jeff Anderson. I live on 1021 Lake Charles Drive. I've lived on and off since 1985.

I'm also a lawyer. I'm here today to tell the Council that I believe upon my review of the TC-8 that your decision here today is simple. There's substantial evidence as been provided by the six or seven witnesses you've seen so far today that shows it's simply not in the best interest of Roswell to move forward with this cell tower at this time.

It would not be difficult to defend this decision in court. Because of this, today I'm willing to offer my services pro bono to you to defend the City should

[76] T-Mobile decide to sue the City if you do not give them the application.

(Applause.)

MR. ANDERSON: The most important thing here in your decision today is the wording of the statute of the City of Roswell, which is as follows: Your duty is to protect the health, safety, and welfare of the public and maintain the aesthetic of the community.

Allowing T-Mobile to build this tower would violate and do harm to that statute. Please vote for the will of the people. Please vote against corporate profits.

Thank you.

(Applause.)

MAYOR WOOD: Anyone else who would like to speak?

Yes, ma'am. Come forward, please.

MS. GRAFF: Mayor and City Council, I'm Jackie Graff. I live at 1085 Lake Charles Drive. I'm a little nervous. My voice is a little shaky.

I moved to Roswell over 35 years ago. There was one restaurant. Now we have many. That's progress. There was one filling [77] station, and now there are many. That's progress.

The farm across the street from me became filled with houses. That's progress. That's okay. The corner where all the horse farms were, the little store, now there's a Publix and other stores, and that's progress. But I feel like the cell tower is not progress. It puts us back.

And I think anybody considering trying to move to Roswell and this is passed and the cell tower's put

there, they would, have a second consideration because anybody's backyard could be the home of a cell tower if this is passed.

So I just say, you know, in the interest of our property values, our health, and I have several neighbors that will have to move because they have small children, and they want to—their health is very important. They will actually have to move if this cell tower goes in.

So I thank you for your attention, and let's keep Roswell like it's always been. Thanks.

[78] (Applause.)

MAYOR WOOD: Who would like to speak next?

Yes. Come forward, please.

MS. HALE: Good evening. My name is Kirsten Hale. I live at 1240 Waterford Way. And interestingly, I received a flyer on my mailbox this morning, and I had heard a little bit about the cell tower just because I drive down Lake Charles.

My home is—I don't know. I haven't been able to do any background work on this, but just looking at these pictures earlier, my backyard would probably face the cell tower, and I would be confident in saying that I could probably see it from my backyard.

My question is, the Lake Charles Road has been under—it's been closed down for construction for sewer and water area. I find that interesting that it has been closed down about—I don't know how many weeks now, but this particular project seems to be in the same area.

And I am just wondering if this room [79] would not be far more filled if that road were open and people

had an opportunity to see the posting of the signs, you know, indicating what was going on back here.

(Applause.)

MS. HALE: I am just hopeful that this is not something that is going to be swept through or pushed through. I just find it interesting, that coordination of that construction and this particular project.

And I truly feel that there would be more people in this room, there would probably be a greater number of people opposed to this if that road were open.

And I think everyone has done a great job tonight, and I didn't expect to speak, but I thank you for your time.

MAYOR WOOD: Thank you.

(Applause.)

MAYOR WOOD: Yes, sir? Come forward, please.

MR. ALPHERS: John Alpers, 530 Junction Point, Roswell.

Mr. Mayor, Council, Staff, and fellow citizens, I'm coming here today as a [80] telecommunications subject-matter expert. I spent ten years with Bell Laboratories and AT&T Wireless and Lucent Technologies. I'm very familiar with the types of equipment that each one of the carriers provide. With my consulting firm, I've consulted for every one of the major five carriers that are out there today.

T-Mobile has chosen a specific type of technology that requires them to put more towers in it, which is not something we did not talk about tonight. Other providers, such as Verizon and Sprint, have used different technologies that allows towers to be further apart from one another.

As we talked recently, technology will change greatly over the next couple years. So just because T-Mobile decided to choose this type of technology, does that mean the citizens of Lake Charles should be the bearers of having a tower in their backyard?

(Applause.)

MR. ALPHERS: Second is sale and valuation. That was mentioned twice. It's important to understand when [81] telecommunications go up for sale, they sell their assets, nontraditional sale, which is done by profits or revenue.

Assets are a thing such as towers and cable and infrastructure. The reason for this going in is for the simple fact that it makes the valuation of T-Mobile higher than it is today.

T-Mobile will sell in the next several years, and that's probably a business foregone conclusion. And while we wish them nothing but luck and they have great service in the city of Roswell or anywhere else, not at the behest of our homeowners.

Last but not least is precedence. If it goes in in Lake Charles, will there be one in Roswell Station in my neighborhood next or will there be one on the third hole at Willow Springs at the golf club or will there be one right by the clubhouse at Horseshoe Bend next?

Once we set the precedence of allowing these in residential areas, it goes downhill from there. I think the answer is clear tonight.

[82] Thank you so much for your service. I obviously oppose the tower. God bless you.

(Applause.)

MAYOR WOOD: Does anyone else wish to speak?

Yes, sir. I see a hand over here.

MR. VICK: My name is Earl Vick. I've lived here for several years, and I was reading in the paper just this past week that Roswell was one of the best cities in the whole United States.

(Applause.)

MR. VICK: And I said, yes, it is, and it's because of you people up there and the people before you that sat in those chairs. It's because you've done a wonderful job, and you still are doing that, and I just wanted to tell you that I appreciate it, and I enjoy living here in Roswell.

(Applause.)

MAYOR WOOD: Thank you for speaking.

Does anyone else wish to speak?

I see no hands up.

We'll ask the applicant to come back for rebuttal.

[83] MR. GREENE: Well, first of all, I'm going to try to address all of the concerns. I think if I didn't, the applicants that are behind us are going to join these folks in wanting to knock me down to the ground.

I'm not going to address the case law that was brought up because I'm not an attorney.

In regards to the first, the photo sims, photo sims are not perfect. I don't believe they were required as part of the application. When we did do them, you know, it may have been windy, but I have every faith that the consultant we hired to do the photo simulations had the knowledge to know when that time—if they've done hundreds of them, knew when

that balloon was worthy and need to take the photograph.

Mr. Knighton's photograph was actually of a 150-foot-tall monopine, but I believe it was to be located at the—one of the proposals at the fire station.

What you have before you tonight is a 108-foot monopine. This particular tower, like has been stated before, is to be 20 [84] feet above the existing tree canopy.

We—in regards to Staff's recommendations regarding additional planning, we're willing to come along and put like a 5-foot buffer along the three adjacent properties to the east. I think they want to surround the compound.

We're willing to put a 5-foot landscape strip along Ms. Levine's property and the other two adjoining us to the east with Leyland cypress, similar to what Mr. Scherer has going down his driveway now.

In regards to the moving the sites to commercial areas, I'd like to—this is a—I don't know how well you're going to see this, but this is the zoning map of this particular area.

Okay. The red circle represents the area we were looking—the area that was most optimal to provide the coverage we require. See down here at the bottom is the property. Up here is the fire-station property.

But what I'm trying to show is, this entire area is zoned residential. From [85] basically Woodstock Road all the way to the Cobb County line, it's residential, and basically from Crossville Road south is residential. There is no area other than residential to provide service or to locate a site.

We took your ordinance. Your ordinance states that we can apply for a tower in a residential area based on certain criteria. We have met that criteria. People have stated in regards to the stealth tower. Well, it states in the ordinance man-made trees. This is a man-made tree. We have certain setbacks we have to meet. We meet those setbacks.

We have taken your ordinance—we initially, actually, based on the fire-station property, a site which was shown as a—on the 2003 facilities map as a potential candidate, we made the proposal to go on that site, and the City decided it did not want us to move forward with that location.

We've dropped the height from that original proposal to 108 feet. We can only [86] go—we can only do what we're provided with by the City, and we have gone out and diligently searched this area.

We have found a site that meets your ordinance. Your ordinance was written to protect the safety and welfare of folks, and I would think that there was a lot of input put into this particular ordinance in regards to that.

I know some of you may not have been involved with that back in 2003 or whatever the date of the ordinance was adopted, but we can only go by what we're given.

Now, I don't know as far as what Verizon or AT&T have out in that area, but that area is all residential, and people are right; we still have a need for service. Even though the fire-station property was rejected, we still have a need for service, so we're going to come back out there and try to find a site that meets the ordinance, which we did.

The City has—as I indicated in my initial presentation in regards to the NIXLE, the City—it’s a great system. [87] Cobb County has a similar system. That’s not going to work if the infrastructure is not there. It’s not going to work. You’ve got to think to yourself, most people are going to need that service at home. They’re not going to need it in commercial areas. They’re going to be at home. A lot of them may not even work in the city of Roswell. They’re going to need them at home.

So Beau Simpson is here, and I’m going to let him come up, if it’s okay with y’all, to speak about property damage. That seems to be a concern, as well. I’m going to have him come up and speak to that and answer any more questions that y’all may have.

Thank you.

MAYOR WOOD: Yes, sir.

MR. SIMPSON: Hello. My name is Beau Simpson. I live in DeKalb County, 368 Academy Court. My office is in Fulton County, and I’m an appraiser primarily. I also do a lot of consulting work. I have the MAI designation from the Appraisal Institute. I have a CRE designation from the Council of Real Estate Specialists, and [88] I’ve lived in Atlanta my whole life.

I’ve been appraising for over 20 years. I’ve been working on cell towers for probably about 15 years. In the last 10 years, they constitute a very small part of my business because, for one reason, the growth of the networks have not been as dramatic.

I was asked by T-Mobile to do two things, which I did. One was just to prepare a study examining cell towers in Fulton County and rendering my opinion as

to whether or not cell towers have an impact on property values.

Residential properties sell most often, so it's the easiest location to try to prove or disprove whether this happens. This tends to be the setting where it comes up, in residential areas or proposed residential areas, so we focused on that.

Fulton County has a lot of cell towers. I think we looked at over a thousand. We narrowed it down to some that we felt like were constructive. They were close to subdivisions. Some of them were in [89] subdivisions.

You know, there's a lot of differences between houses. You all know that. There's a lot of things that influence the price of a house. So the perfect example for us would be a brand-new subdivision that has a cell tower in it and some of the homes can see it and some of the homes can't see it.

Another example would be a brand-new subdivision that is half built and half sold and then the cell tower's built and then the other half is built and sold, and we have found examples like that.

And we've got empirical data and looked at it, and we've looked at the averages. We looked at the price per square foot and every other way and tried to discern whether or not these cell towers have any influence on value, and they don't.

And typically, typically—

(Laughter.)

MR. SIMPSON: Typically, residents are of the opinion that this is an obnoxious use. Cell-tower companies, in my opinion, go to a good bit of trouble to

put them in a [90] place that is not obnoxious and is not intrusive, and this is a great example of that.

I have examples that you would very easily call obnoxious that are much more intrusive than this, cell towers and other types of towers, radio towers that are over two and three hundred feet tall.

And so we get the data, and it tells us something, but we go further than that. We go interview the people who buy and sell the homes. We go to the homeowners. We ask them, how did this influence your purchase decision? Does it matter to you? And they tell us that it doesn't.

Now, I'm not saying that people don't have an opinion and it's not a valid opinion, but if you put a house up for sale and two people come along and say, I really don't like the tower, well, there's eight more people that come along that don't even notice it. They literally don't—

(Audience outburst.)

MAYOR WOOD: Listen. Have quiet in the audience, please.

[91] MR. SIMPSON: And I will tell you, personally I've looked at cell towers where I thought I was about to find out the example that proved that it hurts value. I literally personally looked at it, said, okay, here it comes. I'm going to go find out. And I knocked on the door, and to my surprise, it didn't matter.

And so I think you've been given copies and they've been submitted in the record, the studies that I've done, and this tower is 108 feet disguised as a pine tree, and it's my opinion it will have no impact on value or appreciation rates, which I have also gone to

the trouble to demonstrate. I will be glad to discuss them or even show them to you.

Thank you.

MAYOR WOOD: Thank you, sir.

MR. GREENE: I'd like to add, too—you've got this in your package regarding property-valuation studies, but this is a City of Atlanta Police tower in Chastain Park. And if you've been to Chastain Park, you've probably seen it. It's on the south [92] end of Chastain Park. Mr. Simpson did valuations prior to and after the tower was built, saw no impact whatsoever.

I also want to point out that blight's been brought up. If you've been through Chastain Park, that area, I don't think there's any blight going on in that area. This tower is a 199-foot-tall self-supporting tower. It's not a 108-foot monopine. And it was built in 2001, and there's no blight in Chastain Park area.

And we feel it necessary based on some discussions or some testimony regarding the technologies. I'm going to ask Marquise to come back up and address what she can based on some of the testimony that was given in regards to the technology.

MS. LEWIS: Hello. I'd like to address some of the things that I remember being brought up as concerns by some of the citizens here tonight.

One person mentioned that T-Mobile would be able to provide 911 services via several alternative methods, so I wanted to kind of speak on those.

[93] Using triangulation technology is not a replacement for building the new facility because we're building the facility because we don't have adequate signal, so we can't provide the signal in order to the signal that's needed to do that triangulation.

The whole point is that the adjacent towers cannot serve the area, so therefore, we cannot use that as a replacement to provide 911 services in the area.

As far as GPS technology, I think that was something else that was mentioned. We can't require every customer to change their phone. Every customer should be able to use their phone, you know, whether or not it has extra features such as GPS technology enabled on it, and customers want to talk on their phones.

And that's what we're really trying to provide here, is an opportunity for customers to talk on their phones, whether in their vehicles or in their homes, so that's really not a solution for what we're trying to do here.

Not only trying to provide 911 services [94] but we're trying to enable customers to carry a reliable call within this area, whether in their vehicles or in their homes.

As far as—I think someone mentioned that they did a drive test. I don't know the particulars and intricacies of that drive test, but there are so many variables that can come into play.

And T-Mobile does know we have a need in that area, and we cannot provide service up to T-Mobile's standards, reliable service in vehicles and in homes, in the area that we're striving for.

I don't know how long the calls were maintained. A lot of times there are different access thresholds than there are thresholds that are needed to carry a call, which on a live network, there's interference as other towers come into play.

I have no idea what the particulars are, but I can just reinforce that T-Mobile does have a need in this area.

Something else that I think was brought up, and I know we can't really factor it in in addressing or regarding this application, [95] but I would like to reiterate that T-Mobile is well within the FCC standards for MPE compliance with this facility.

And I think, finally, one gentleman said that T-Mobile is in need of this tower because we have chosen an inferior technology, so I would like to kind of reiterate that T-Mobile is on the cutting edge of technology.

He referenced technology used by, I think, Verizon and Sprint. In fact, T-Mobile is employing UMTS technology nationwide, and that is very close to the technology that is used by Verizon and Sprint, so it's not the technology.

There are so many different factors that come into play. I think a much bigger factor is the frequencies that are licensed to T-Mobile. We're limited by that, but I can't really speak on Verizon's network or Sprint's network.

I can really just reiterate that T-Mobile does have a need in the area to service its customers.

Thank you.

[96] MAYOR WOOD: Thank you.

Mr. Dippolito has a question. Please, if you would return to the microphone.

MR. DIPPOLITO: Ms. Lewis, you touched on most of the technology questions that were asked. There was a question about microcells in attics. I thought I

had read that T-Mobile does provide those, as well. Could you speak to that?

MS. LEWIS: Does T-Mobile provide microcells?

MR. DIPPOLITO: Yes.

MS. LEWIS: Absolutely, and it depends on the situation. And what we're saying here, in this situation, it's not appropriate. It's not an appropriate solution for this area.

The primary areas where you'll see microcells or distributing technologies are campus environments, a very small, concentrated area where you have a lot of users, but you have a relatively open area, and you don't have the obstructions in place that are going to prevent you from getting line of sight with your antennas, and you're [97] not covering a very, very expansive area, you know, with winding roads and obstructions here and there.

So we do deploy DAS systems and microcell technology throughout our network whenever its appropriate. It just will not work in this particular situation.

MR. DIPPOLITO: So the microcell and DAS technology are interchangeable?

MS. LEWIS: For the most part, yes.

MR. DIPPOLITO: Same technology?

MS. LEWIS: Yes, for the most part.

MR. DIPPOLITO: Thank you.

MAYOR WOOD: Council have any questions for Ms. Lewis?

Thank you, Ms. Lewis.

I see a hand up from an individual, but I will tell the general audience that they've had their opportunity to speak. This is the opportunity for the applicant for rebuttal. Once the applicant finishes rebuttal, the Council will have an opportunity for discussion. There will be a vote. There will be no further public hearing. We've had our public hearing.

[98] Yes, sir. You may proceed.

MR. GREENE: I'm just going to summarize. We have submitted an application to the City of Roswell that has gone above and beyond your requirements.

We've provided you all kinds of information, probably the most complete application I've ever done. It took a long time to get it all together, and I want to thank Brad and Jackie for working with me, but it is a very complete application.

We have proven the need. Now we are asking, respectfully request that you approve this application based on the merits of the application, based on the merits of the testimony given tonight.

Thank you.

MAYOR WOOD: Thank you, sir.

Any Council members wish to make a comment before we entertain a motion?

Council Member Wynn.

MS. WYNN: I would like to ask Mr. Greene a question, please. I think it was Ms. Knighton that brought up the generator, and one of the things I think she [99] was saying about continuous power and one of your—in your application is to have 911 service.

So how do you address the issues—if you do not have any type of backup generator onsite, how do you guarantee continuous service to T-Mobile customers?

MR. GREENE: Well, if the City Council so desires, we could put a generator out there.

(Laughter.)

MS. WYNN: That's not my question. I'm asking you, sir, what is T-Mobile's—I'm sorry. I should have clarified. What is T-Mobile's policy to ensure continuous operations of their service to their customers?

MR. GREENE: Current policy is, we do not include generators with our sites. Therefore, if the power goes out, the site would lose power. There would be no service.

(Laughter.)

MR. GREENE: There's three-hour backup. There's a battery at the site for three-hour [100] backup, which should be enough time to get the site back on the air. There's battery backup, three hours, which would give enough time to get out there, depending on the situation.

If it's a situation where there are multiple sites out, we can't promise it would be up. There is backup power at the site. It would not be a generator.

MS. WYNN: Thank you.

MAYOR WOOD: Any other questions for the applicant?

Thank you, sir.

At this time, any Council members wish to make any comments before entertaining a motion?

Council Member Orlans.

MR. ORLANS: I just wanted to say tonight, I have been on Council for quite a few years with the honor of serving the residents of Roswell, and I must say that I was quite impressed with all of the information that was put together in this package from the citizens on the issues.

And you even brought some interesting [101] information out that maybe should be forwarded to Washington, D.C., to some decision-makers up there. It's been interesting. I just wanted to compliment you on how you approached this and how you put it together.

And also, Mr. Greene, you're right. You put together probably one of the most complete packages from the other side that I've seen, as well, over the 17 years I've couniled. It's interesting to look at all of this information that you've given us, and I think we've got the information we need to make a decent decision tonight for our citizens.

Thank you.

MAYOR WOOD: Any other comments before we entertain a motion?

Council Member Igleheart.

MR. IGLEHEART: For many years before being up here, I also sat in those pews for many hours and had to come up with a lot of background information.

I think you did an amazing job. I thank you for that. I agree; a lot of work [102] on T-Mobile's side. However, one of my key concerns is that other carriers apparently have sufficient coverage in this area.

Frankly, it brings into question some of the capabilities of some of the various carriers. It's not our

mandate to level the field for inferior technology, so that concerns me.

(Applause.)

MR. IGLEHEART: It is our mandate to consider things that impact our residents. Right now we do allow towers in C-3 and I-1 zoning, which are by definition commercial and industrial. Any other zoning category, residential, are conditional.

We have to consider all the aspects. Frankly, I think we're making a mistake to open up all the various properties throughout the city for this process.

We've tried a few times to deal with that. Frankly, I think, once again, we have to work on a plan to try and deal with addressing technologies and make it to where every other neighborhood doesn't have to come in here every few months.

[103] (Applause.)

MR. IGLEHEART: Mr. Knighton, get some of the folks to help. Maybe put some of that together so we can deal with that a little better.

Bottom line here, I just don't think it's appropriate for residentially zoned properties to have the cell towers in their location. I would recommend to whomever's going to make a motion, that's something to consider.

MAYOR WOOD: Mr. Davidson, Mr. Igleheart raises a point. If we had an ordinance that said cell towers were restricted in residential zones, how do you think the courts would respond?

MR. DAVIDSON: They would say—probably be able to show in Roswell that that would prevent service in certain areas of the city because we are very

residential in nature, so I don't think we could prohibit in all residential zones.

MAYOR WOOD: So there would be a strong possibility if we did choose to pass such an ordinance that our ordinance would be [104] stricken down. Once our ordinance was struck down, what would happen?

MR. DAVIDSON: Hopefully we could have a moratorium so we can adopt another ordinance.

(Audience outburst.)

MAYOR WOOD: Cell tower without our permission, so you would not recommend taking that action suggested by Mr. Igleheart?

MR. DAVIDSON: Not at this time.

MAYOR WOOD: Thank you, sir.

Any other comments before we entertain a motion?

Council Member Dippolito.

MR. DIPPOLITO: I just want to quickly reiterate what my colleagues have said about presentations tonight. T-Mobile did an outstanding job with the information they have submitted, but the residents have gone above and beyond anything I have seen since I have been on Council.

Not only was the information precise, there was quite a bit of very interesting information that seemed to be quite factual, [105] and you're to be commended for both your presentation and effort altogether.

I think it's pretty hard to look at a cell tower like this and to not consider that would have an adverse impact on a residential area. Anytime you look at something that is this significant a change from what is in that area, I think it's hard to say that, so I do not

believe this is compatible with the natural setting, and I do not believe that I will support it.

(Applause.)

MAYOR WOOD: Does anyone else wish to comment before we entertain a motion?

MS. WYNN: Yes, sir.

MAYOR WOOD: Council Member Wynn.

MS. WYNN: Thank you, Mr. Mayor. I'm not going to do a long speech, but I agree with my colleagues. I've been up here going on three years now, but I have been a community advocate for 15 years, and I have never seen a presentation as well done as on both sides, but I do agree with my colleagues, especially Mr. Dippolito, that I don't think this is compatible with [106] this area, and I will be opposing it.

(Applause.)

MAYOR WOOD: Well, I think I've heard from everyone except Council Member Price. She is the liaison to this department, so it is therefore her responsibility to make a motion.

Ms. Price, do you have a motion to make?

DR. PRICE: Well, yes. As liaison to the department, it is my, I won't say, distinct honor but my responsibility to make some sort of motion or I could not make a motion. Nobody else would, either. But I do want to thank the applicant and all the residents who have come out this evening.

I appreciate the completeness of the application. We didn't get the response that Mr. Townsend asked for, whether or not they were willing to compromise the other location, but that's probably neither here nor there.

I think based on our ordinance, Article 21.2.1, which was shown on the screen earlier, the purpose and intent of our [107] cell-phone ordinance is to protect the residential areas from the adverse impact of telecommunication towers and to minimize the number of towers and the other adverse impacts being minimized.

I think the conclusion from that first section would be that this is aesthetically incompatible and certainly in this area. It's other than I-1, C-3 offices or highway commercial area.

Number two, the alternative tower that was proposed, in my opinion, it would not be compatible with the natural setting and surrounding structures also due to the height being created by the other trees.

And, number three, in our Ordinance 21.2.4, the proximity to residential structures, the nearness to other homes, and being within the residential zoning area and adjacent properties, therefore, the adverse effects to the enjoyment of those neighbors and potential loss of resale value among other potential parameters are difficult really to definitively assess.

Therefore, overall, I move to deny the [108] application for the wireless facility monopine tower on Lake Charles Drive.

(Applause.)

MAYOR WOOD: Motion by Council Member Price. Who would second?

MS. WYNN: Second.

MAYOR WOOD: Second by Council Member Wynn.

All in favor of the motion raise your hand. Passes unanimously.

178

We're going to take a 10-minute recess.

(Applause.)

(Proceedings concluded at 9:35 p.m.)

[109] CERTIFICATE

E OF GEORGIA:

TY OF CHEROKEE:

I hereby certify that the foregoing proceedings were taken down, as stated in the caption, and reduced to typewriting under my direction, and that the foregoing pages 1 through 108 represent a true, complete, and correct transcript of said proceedings.

This, the 19th day of April 2010.

MARIA K. McCUNE, CCR B-812

1 3:2
1,011 55:7
10 28:1;45:23;72:23;88:4
10- 49:18
100 62:10
100-yard 72:18
1021 75:11
104 46:5
1060 3:4;4:6;36:21;51:21;53:1;57:6
1064 30:15
108 27:24;29:11;85:25;91:12
1085 76:20
108-foot 17:15;19:25;83:24;92:9
10-minute 108:11
1131 16:17
11-story 26:24;46:19;47:19;74:10
12 28:1;51:11;58:2
120-foot 39:21
1240 78:6
13 12:20
1305 36:16
135-foot 41:9
13-month 63:23
15 24:11;72:23;88:4;105:21

150 49:25

150-foot-tall 13:17;83:20

15-pound 49:19

16 24:11;62:7

17 54:25;55:25;101:10

17th 16:16

18 27:19

180 65:24

1985 75:12

1996 37:14;44:6;46:23

1997 41:5

199-foot-tall 92:8

1-mile 57:19

2

2 50:25;52:11,18

2.8 4:15

20 4:21;56:2;83:25;88:2

2001 44:23;66:1;92:10

2003 13:15;39:20,25;65:23;85:19;86:11

2004 65:23

2005 40:21;69:24

2010 63:23

21.2.1 106:24

21.2.4 107:17

22 36:15

181

2470 12:4

25 4:21;28:18;64:16;67:12

250 7:5;51:13

2500-foot 5:5

28 9:2

3

30 24: 13;38: 17;44: 2;53:25;66:12

300 7:4;69:22;70:18;71:23

30067 12:6

30075 63:21,21;64:25

30363 16:17

31st 64:25

34 66:12

346 12:5

35 62:15;67:3,4,12;76:23

368 87:19

38 9:4

3-year-old 69:25

4

400 16:16

445 65:1,6

46 52:15;53:9

4-mile 38:20

5

5 62:15;72:23

182

50 18:11;28:25;64:16

50-yard 72:19

525 28:19

530 79:22

580 23:5;43:24

5-foot 84:5,8

5-mile 52:13,25

6

60 28:20,25

600 56:24

67 38:19

6-month-old 70:2

7

70 28:20

700 41:13;46:14

704 37:21

8

80 8:24

82nd 66:7

9

9:35 108:13

90 8:24

90,000 46:10

911 47:5,8;48:20,22;53:10;92:23;93:10,25;99:2

96 37:21

A

ability 9:23;10:9,12,12

able 14:22;32:1;53:2;60:5;61:18;70:4;78:12;92:23;
93:14;103:18

abolish 42:17

above 4:22;19:15;56:2,9;84:1;98:4;104:21

above-ground 19:4

absent 33:9

absolutely 26:4;96:13

absurd 42:4;46:21

abundant 70:6

Academy 71:2;87:20

Access 94:16

according 46:11;51:12

account 33:14

achieve 21:5,15

acknowledge 23:13;29:22

acquired 44:22

acquiring 12:19

acquisition 12:18

acquisitions 44:12;45:15

acres 4:15

across 77:3

Act 9:16;10:10;37:13,21;40:14,20;42:4,12;44:6;
46:23,25

action 7:19;54:14;104:9

active 66:3

actual 6:18

actually 6:23;7:15;10:5;12:12;13:16;14:10;15:8;
17:4,16;19:14,23;44:5;66:3;77:21;83:19;85:17

adage 63:5;71:17

adamantly 56:16

add 8:4;21:24;37:6;60:14;91:20

addition 41:22;63:9

additional 8:4;13:24;16:5; 84:3

Additionally 52:17

address 12:1,4;83:2,6;92:15,18;99:4

addressed 8:12

addressing 94:25;102:23

adequate 93:4

adjacent 3:4;84:6;93:7; 107:20

adjoining 84:10

Administrators 23:9

admit 25:11;53:7

adopt. 104:4

adopted 13:4;86:12

adverse 34:24;35:5,8,18,20,24;40:25;43:13;105:5;
107:2,4,20

adversely 40:10

advertise 58:15,17,18,23

advise 9:11

advocate 105:21

aerial 6:9;7:17
aesthetic 34:20;35:17,23;40:24;42:1;76:9
aesthetically 10:14;107:7
aesthetics 39:3
affect 62:21
affected 63:13;64:9,11
affects 71:13
affidavit 52:19
affirmed 40:22
afterward 68:14
again 32:11;56:6,10,15;61:13;64:9;73:9;102:21
against 10:3;36:24;38:16;42:21;45:7;54:14;65:7;
67:2;76:13
agenda 3:2
agent 39:20;40:11,15; 66:10
Agents 61:10;62:10
ago 8:19;24:11;25:10; 26:7;28:24;46:4;49:11;51:19;
60:6;65:21;68:13; 76:23
agree 101:25;105:19,23
ahead 67:11
air 31:1;100:2
airport 22:2
alive 67:17
allow 21:4;26:16;69:11, 12;102:12
allowed 38:17
Allowing 76:10;81:22

allows 80:14
almost 18:13;42:22;67:5
along 14:3;53:9;84:4,5,9; 90:19,21
ALPHERS 79:22,22;80:23
alternative 4:5,8;6:24;7:21;18:3;19:19,20;53:19;
92:24;107:11
alternatives 54:13
although 37:8
altogether 105:2
always 22:10;38:3;42:13;44:11;51:16;67:17;77:24
amazing 72:10;101:24
America 63:9
Among 40:17;107:22
amount 33:11,21;63:24; 64:1
analysis 58:3
and/or 63:15
ANDERSON 75:9,10;76:4
angle 29:5
announced 49:25
antenna 20:9;34:25;39:22
antennas 18:11,12,13;19:10;34:16;35:3,4,8;38:18;
96:25
anymore 50:12
apart 80:15
apparently 102:2
Appeal 41:18

appealed 40:15

Appeals 39:13;40:16,21;41:4,18;43:11

Appellees 42:9

Applause 32:20;36:8; 43:20;47:20;49:2;50:21;
56:20;65:10;69:16;72:4; 75:5;76:3,15;78:1;79:5,19;
80:22;82:3,12,20;102:9; 103:1;105:12;106:2;
108:3,12

applicant 8:12;11:25;41:16;82:24;97:20,21;100:12;
106:15

applicants 83:3

application 16:10;22:21; 25:21;29:24;36:21;37:2;
38:14;39:19,21;41:7,15,23; 42:3;51:20,22;
54:24;69:11; 75:2;76:2;83:12;94:25; 98:3,8,11,14,15;
99:2; 106:18;108:1

applications 38:1;39:2; 42:11

apply 85:8

appraisal 58:7,9;87:23

appraisals 57:10

appraise 64:20

appraiser 87:21

appraising 88:2

appreciate 26:5;30:21;36:6;82:18;106:17

appreciation 91:14

approach 14:5;42:20

approached 68:13;101:5

appropriate 31:17;33:13;96:16,16;97:6;103:7

approval 41:12

approve 22:20;42:I 1; 98:14

approved 7:24

approximately 4:14,21;7:4;8:18;38:17;51:13,19;
52:14,15

arbitrarily 33:9

area 4:12,23;5:14,17,21; 7:22;8:3,22;11:3;13:22;
14:18;16:22,22;17:1,13,17,19;18:7,14,17,23;19:7,16;
21:3,5,7,16;22:7,16;23:21; 24:20;25:1,2;32:7;38:22;
51:24;54:23;55:1,21,24; 58:15;64:11;65:12;66:4;
69:4;72:13,15;78:20,24; 84:17,19,19,25;85:4,9;86:3,
15,16;92:6,7,11;93:8,10; 94:2,10,12,22;95:23;96:17,
21,22;97:1;102:3;105:6,8; 106:1;107:8,10,19

areas

5:15,16;14:18;15:6;18:4;31:15,16,18,20,24;32:16;
34:23;35:5,12;55:13;81:23;84:14;87:6;88:19,20;
96:18;103:19;107:2

argue 62:19

argument 38:21;73:22

arguments 40:17

armed 42:7;52:9

around 5:4;8:3;10:24;17:17;27:14;28:17;29:1;30:6;
49:19;50:13;56:25;66:17;68:25

arrived 19:23

article 45:12;106:23

Ashley 23:18

aspect 21:1

aspects 16:9;102:16

assess 107:24

assets 81:2,4

assigned 57:11
association 66:25;67:1
associations 23:20;26:17
assume 46:11
AT&T 41:7;49:24;72:14;80:3;86:15
Atlanta 16:17;57:3,3;62:5;88:1;91:23
Atlantan 62:6
attack 66:5
attendees 46:3
attention 43:19;77:23
attics 96:7
attorney 9:10;24:3;37:7,9;83:8
audience 23:13;25:18;90:23,25;97:18;104:6
author 36:18
authority 9:22;11:4;42:18
available 13:2;15:12;53:20;64:1
average 42:13;62:16;63:22;64:17
averages 89:15
aviation 71:14
avoid 35:9
avoiding 42:1
aware 14:18;51:20
away 31:5;66:12;89:17
awesome 32:22;49:4,8;50:3

B

back 13:22;30:16,23; 32:1;48:7,17;56:4,5;57:15;
58:2;66:7;69:7;73:5,10,20; 77:9;79:4;82:24;86:11,20;
92:15;100:2

backed 61:2,22

background 24:10;78:12; 101:23

backs 30:17

backup 48:20;99:5,24;100:1,3,8

backwards 57:25

backyard 26:25;58:19;77:14;78:14,17;80:21

bad 60:16

balloon 27:11,12,20;28:22;29:3,6,9,10;56:1,2;83:17

banker 57:1

banking 51:10

Bank-owned 64:15

banned 26:18

barking 26:15

barrage 42:10

base 30:7

based 14:6;35:22;38:5;41:20;55:5;57:12,17;74:3;
85:9,17;92:12,15;98:14,15;106:23

basement 31:9

Basically 11:1;47:10;73:14;85:1,3

basis 35:25;41:24;46:23;57:10

battery 99:25;100:2

battle 60:12

battles 32:13
Beach 41:6,17
bearers 80:21
Beau 12:14;87:10,18
Beautiful 27:21;60:9
became 51:19;77:4
becoming 49:9
bedroom 56:4
bedrooms 57:13
began 44:16
begin 9:15;12:2;23:2
behavior 42:2
behest 81:14
behind 30:7;68:3;74:2;83:4
believes 25:2
bell 4:10;80:2
Bellevue 44:17
below 18:11
Bend 81:21
benefit 44:7
best 19:23;36:7;55:16;75:19;82:10
bet 42:21;48:17
better 24:12;25:24;43:21;71:10;103:5
Betty 23:18;36:15
beyond 98:5;104:21

bicyclists 26:10

big 49:13

bigger 95:17

bill 10:1;42:7

binding 60:20

birds 43:4,8

bit 16:3;24:6,9,15;25:24;44:8;45:19;78:9;89:25;104:24

bits 16:20

black 8:3

BlackBerry 49:17

bless 82:2

blessed 69:25

blight 30:9;42:1;74:18;92:7,11

blight's 92:4

block 68:25

blow 32:24

blows 49:1

blue 5:1;6:25;27:22

board 13:23;39:17,18

body 26:13

Bono 75:25

boom 26:16

both 3:18;11:17;66:2,21;68:2;105:1,23

bottom 63:4;84:21;103:6

bought 30:24;49:10

boxes 26:16

boy 73:21

Brad 3:5;26:3;98:10

Bragg 66:6

brand-new 89:6,9

brick 49:19

brief 12:12;23:23;69:19

bring 16:13

brings 74:6;102:4

broker 36:18

brother-in-law 53:22

brought 83:7;92:5,20;94:23;98:24;100:25

Buck 25:6;69:17,18,21

bucks 49:25

buffer 84:5

build 15:25;76:10

building 45:16;54:19;93:2,3

built 39:23;89:10,11,12;92:3,10

Bundepost 45:1

business 12:4;24:14;44:2;45:8,17;49:7;62:7;81:10;88:6

buy 59:10,11;61:24;63:18;64:1;90:11

Buyers 60:18;61:23;63:6

buying 61:19

C

C-3 102:12;107:9

cable 81:5

call 9:9;44:3;52:21;66:10;90:5;94:2,17
called 18:2;20:7,11;29:14;44:16;57:18;74:4,6
caller's 47:10
calling 23:3;67:20
calls 52:17;53:11;55:10;60:1;94:14
came 31:4;33:25;44:10;66:1;67:8;68:11;73:5,10
camera 56:5
camouflaged 4:11
campus 96:20
can 5:20,24;10:15;11:2; 12:9;15:2,10;17:11;22:14;
27:19,20;28:21;29:2,17; 30:6;32:11,24;34:10,13;
37:24;41:1;45:8;48:16; 49:13,17,18,20;50:1;54:4;
61:15,16;62:19;68:17; 72:11;85:8,25;86:1,13;
89:7;92:15;94:8,21;95:22; 103:4;104:4
candidate 13:13;14:15; 85:20
canopy 84:1
capabilities 102:5
capable 47:14
care 45:9;50:11
Carolina 66:7
carrier 10:4;15:16;38:8,16;44:18;45:21
carriers 10:3,19;46:25;50:11;80:6,8;102:2,6
carry 49:19;94:2,17
cars 47:1;61:16,16
case 22:13;37:4;39:15;41:3;47:25;72:17;83:6
cases 39:8;42:6
categorically 42:19

category 102:14

cause 73:18

caused 35:9;43:9

cell 3:13;4:25;11:9;14:21, 24;24:24;25:3;26:25;
29:17;31:14;33:7;39:12; 40:9;42:21,22;45:16;46:12,
14;47:9;50:10,13;51:14,17, 21;52:6,12,13,16;53:15;
54:22;56:16;58:23;59:7,13; 60:11,14;61:13,24;62:12,
14;65:17,20;66:24;67:8; 68:16;70:21,25;74:10;
75:21;77:8,12,14,22;78:9, 14;88:3,11,13,21;89:7,11,
18;90:6;91:2;103:8,14; 104:7;105:4

cell-phone 15:20;46:19; 47:18,24;48:3;49:21;50:18;
51:15,24;65:2;70:19;71:23; 107:1

cell-phone-tower 69:23

cell-tower 30:7;36:21;37:5;39:2;62:20;89:24

cellular 38:9,22;44:19;47:10;49:23

census 46:11

center 17:17,23

central 73:14

certain 10:3,4;18:4,4;85:9,14;103:19

certainly 33:6;72:8;107:8

chairs 82:15

chamber 36:20

chances 65:5

change 80:17;93:13;105:7

changed 61:1

character 41:25

Charles 3:3,4;4:6,14; 19:25;23:6,21;25:1;30:16;
36:16,22;38:20;48;23; 51:21;53:1;54:23;55:1,24;
57:6;58:14;65:12;73:18; 74:22;75:11;76:20;78:10,
18;80:20;81:16;108:2

Chastain 91:23,24;92:1,6, 11

chat 24:6,19,23;25:8

chatting 24:17

cheaper 47:17

chicken 74:6

chickens 67:16,17;74:9

chief 68:1

child 46:12

children 70:17,17,25;71:22;77:19

choice 74:8

choices 63:20

choose 80:18;103:24

chose 13:13;29:21;62:1

chosen 80:9;95:6

Chris 25:6,8;69:17,21

Christy 24:2

church's 41:10

circle 5:3;74:7;84:18

circles 5:1

Circuit 39:14;40:17;41:5

cite 41:3

cities 37:4;39:9;82:10

citizen 42:15

citizens 42:14;55:7,9,23;71:4,10;79:25;80:20;92:21;
100:24;101:15

city 4:25;9:10,22;10:2,11, 25;11:9;13:8,18;14:25;
15:4;23:8;26:12;31:19,21, . 22,24;36:10;41:6,12,17;
46:15;52:20;55:11,13,15, 22;64:6;65:15;67:20;69:14,
20;70:8;71:9;75:25;76:1,6,19;81:13;85:21;
86:2,23,25; 87:8;91:23;98:4;99:8; 102:19;103:20

City's 13:15

claim 52:1;73:3,8

claims 51:23;54:24

clarified 99:14

clarify 3:21;20:17

clean-up 67:21

clear 52:22;81:24

Clearing 14:7

clock 4:10

close 61:5,15,20;64:7;88:24;95:13

closed 78:19,22

closer 62:16

closing 72:6

club 39:23;81:19

clubhouse 81:20

Coast 43:15

Cobb 85:2;87:1

code 13:11;22:6;24:7;63:21;64:25

coffee 52:11

Coincidentally 28:25
colleagues 104:17;105:19,24
collisions 43:9
collocation 5:7;10:17,18; 13:2
collocations 10:23
combine 74:20
comfortable 25:14
coming 11:12;26:21;30:21;49:24;67:23;79:25
commended 105:1
comment 43:4;98:20;105:14
comments 11:17;37:3;100:15;101:17;104:13
commercial 31:15;36:17;43:1;55:18;84:14;87:6;
102:13;107:10
Commission 41:11
commodity 63:16
common 63:18
communication 37:19;38:18,19;41:9;43:14
communications 34:17
communities 55:12
community 34:20;35:3,6;36:13;39:4,24;44:20;70:5,
10,15;71:6,8,10;76:9;105:21
community's 36:24
companies 39:10;44:15;53:20;89:24
company 11:1;44:16;45:3,6;54:22
comparable 57:18;63:19
compatible 4:12;7:22;10:14;105:10,25;107:13

compelling 62:24
compete 72:17
Competition 15:18,19,19;72:8,10
competitor 10:9
competitors 72:13
complaints 22:10
complete 98:7,11;101:9
completeness 106:17
compliance 95:3
compliment 101:4
compound 84:7
compromise 106:20
comps 57:19
concealed 39:22
concentrated 96:21
concern 47:21;87:13
concerned 48:19;70:11,16
concerns 25:9;39:6;41:142:16;83:2;92:20;102:2,8
concluded 108:13
conclusion 81:11;107:6
conditional 41:8;102:15
conditioning 31:1
conditions 7:24
conduct 52:6
conducted 51:25

confident 78:15

confirmation 68:12

Congress 37:15;42:17

conscious 71:15

consider 18:5,16;35:16;43:17;59:8;102:11,16;
103:11;105:4

consideration 72:3;77:13

considered 16:20;17:4,20,21;19:19,20;20:15;58:5

considering 18:23;69:8;77:10

consolidations 44:13

constituents 18:1

constitute 41:1;88:5

construct 8:2

constructed 4:17;33:16

construction 9:24;10:13;11:5;35:7;36:25;40:2;
78:20;79:10

constructive 88:24

consultant 36:17;83:14

consulted 80:7

consulting 80:6;87:22

contacted 36:5

continue 55:6.

continuous 17:8;48:10; 99:1,6,15

contract 61:2,23;64:19

contracts 60:20,21

control 33:11

conversations 54:3

Cookie 30:15;37:7

cool 31:3

coordination 79:9

copies 91:9

corner 56:25;77:5

corporate 76:13

corporation 71:11

corrected 6:12

costly 20:23

Council 3:8,15,24;4:12; 7:20;8:8,10;9:8,11;11:4,20,
22;16:12;20:19;23:8; 26:13;36:11;41:6,13;51:6;
52:20;55:11,15;56:19; 65:15;69:20;70:8;75:2,9,
14;76:19;79:24;87:25; 97:14,22;98:19,21;99:8;
100:14,17,19;101:19;104:15,22;105:16;106:4;
108:4,7

counciled 101:11

country 36:2;39:23;45:21

County 68:12;85:2;87:1,19,21;88:12,21

couple 45:11;46:4;47:8;50:9;55:10;65:21;72:5; 80:17

coupled 40:24

course 53:11

court 38:1;39:9,13,16; 40:13,16,21;41:4,16,18,19;
42:15;43:11;69:22;75:23; 87:20

courts 10:7;39:1;103:16

Court's 40:22;41:19

cover 13:21;14:22;15:5;18:25;21:7;22:12;23:23;53:5

coverage 14:17;15:15,22; 16:25;17:8;18:3,15;24:19;
51:24;52:3,8,22,25;53:6,10, 14,17,21;54:22;84:20;
102:3

covered 37:21;52:15

covering 97:1

crayon 53:3

crazy 44:11

CRE 87:24

created 107:15

creating 70:10

creek 58:19

criteria 85:9,10

Crossville 85:3 cup 52:11

current 21:14;63:12;99:18

currently 17:14

customer 24:18;45:14;51:15;52:23;61:4,14;93:13, 14

customers 51:23;54:23;60:19;73:4,8;93:17,21;94:1;
95:24;99:7,17

cute 59:4

cutting 31:23;95:8

cypress 84:11

D

dad 73:23

daddy 74:5

daily 57:10

damage 35:9,18;87:12

damages 39:11

Daniel 70:2

darn 48:17

DAS 18:2,7,10,22;19:16,21;20:7,21;21:7,17,19,25;
22:3;97:4,9

dash 72:18

data 16:21;47:3;58:3;70:24;89:14;90:9

date 86:12

daughter 70:1

David 9:10;37:20

Davidson 9:10,14;11:21,23;13:18;32:25;33:6,10;
103:12,17;104:3,11

day 27:21;32:12,12;56:13;60:1,1;62:19;67:13

days 37:15

DC 54:2;101:2

dead 67:17

deal 37:3;57:9;64:20;102:20,22;103:4

deals 67:23;68:2,24

death 64:13;67:7

debating 71:3

decent 69:3,12;101:14

decide 9:23;10:13,16;11:4,20;76:1

decided 13:18;52:6;55:14;61:4,14;66:20;80:18;85:21

decision 33:19,22;35:22,25;40:22;67:10;70:14;
75:15,23;76:5;90:14;101:14

decision-makers 101:3

decisions 37:22
deck 32:6
deeply 70:16
defend 75:22,25
defending 42:25
defined 4:9
definition 4:9;102:13
definitively 107:24
degraded 25:3
DeKalb 87:19
deliberating 37:11
demand 42:12;73:4
democracy 42:14
demonstrate 11:2;91:15
den 31:8
denial 11:14;38:7,13;39:2;40:18;42:3
denied 38:2;41:14
deny 37:2;41:7;69:10;75:2;107:25
denying 37:5
department 11:10;67:24;106:5,11
depend 63:2
depending 45:24;58:12;100:4
depends 96:13
deploy 97:4
Depot 30:23

depreciation 62:17
described 28:5,6
deserve 73:1
design 35:7
designation 87:23,24
designed 22:6
desires 99:9
desk 49:16
detail 16:8
determination 7:20
determine 12:23;16:21
determined 74:16
determining 5:6
Deutsche 44:22,23,25;45:13
develop 17:12;55:19
development 14:6;34:17
devoted 70:9
diagram 48:16
Diamond 3:9,10
dies 64:20
diesel 48:14,15,15
differences 89:2
different 28:4;32:2;49:21;80:14;94:16;95:16
differently 36:3
difficult 18:20;75:22;107:23
difficulty 48:4

digging 73:17

diligently 86:3

dining 31:8

Dippolito 8:10,11,15,20, 25;9:4;20:19,20;21:10;
96:2,4,12;97:8,11,13; 104:15,16;105:24

direct 73:1

direction 71:8

directly 3:12

Director 3:6

disappointed 3:11,19;68:9;69:5

disaster 68:22

discern 89:17

disclosure 65:17

discovered 13:12

discretion 9:12

discriminate 10:3

discrimination 38:7,15

discuss 35:20;58:22;71:16;91:16

discussed 66:6

discussion 97:23

discussions 66:25;92:13

disguised 91:12

dismissed 42:15

disprove 88:17

distinct 106:12

distributed 20:9

distributing 96:19

District 39:15,16;40:12,22;41:16,19;42:15;60:10;62:14

divorce 64:13

divorced 59:19

documentation 16:5

dogs 26:15

dollars 68:7;72:24

done 61:9;79:15;81:3;82:16;83:16;91:11;98:8;105:23

door 51:14;56:13;74:9;91:7

down 16:11;27:22;28:23;46:16,17;55:3,5;60:4,21;66:4,
13;68:19;78:10,19,2283:5;84:12,21;88:23;104:12

downhill 81:23

downtown 26:10

dozens 19:10,10

DR 3:1,7;4:1;106:10

dramatic 59:25;88:8

drawing 13:23

Drive 3:3,4;4:7,14;20:1;23:5;30:16;36:16,22;38:20
43:24;51:21;52:1,7,24;53:1;56:24;57:6;65:24;
67:21;75:11;76:21;78:10;94:5,7;108:2

drives 71:17

driveway 84:12

driving 66:6

drop 52:21;62:13

dropped 85:24

drove 52:13;66:13

drug 67:23;68:24

drugs 68:2

ducks 59:4

due 107:14

during 55:16

duty 37:9;66:3,8;76:7

E

E-2 4:16

Earl 82:7

earlier 37:21;78:13; 106:25

earnest 60:21;61:21

Earth 51:12

easiest 88:16

easily 90:5

east 7:5;84:6,10

economic 15:24;31:18

edge 95:9

effect 9:19;47:23;62:25

effective 15:12

effectively 42:12

effects 43:13;70:21,25; 107:21

effort 70:9;105:2

eight 90:20

eighty 68:6

either 27:14;106:14

element 40:23
elements 35:16
Eleventh 39:13;40:17
eliminating 38:21
else 32:3;61:19;66:19;70:18;75:6;76:16;81:13;
82:4,22;93:12;94:23;105:13;106:14
e-mailed 15:3
e-mails 6:14;55:10
emergencies 14:25
emergency 15:3
Emily 70:1
empirical 89:14
employee 71:16
employing 95:12
enable 94:1
enabled 93:17
encourage 25:15;34:16;35:6;75:1
encouraged 13:3
encroachment 43:1
end 43:3;92:1
ended 31:10
endless 62:23
engineer 12:9
engineering 16:18
enjoy 26:15;82:19
enjoyment 107:21

enormous 33:10
enormously 23:14
enough 19:4;28:22;31:3;45:1;47:7;58:1;100:1,3
ensure 99:15
enter 10:9;53:9
entertain 98:20;101:18;104:13;105:14
entertaining 100:15
entire 52:22;56:10;61:1,6;67:12;84:25
entity 54:19
environment 74:19
environmental 43:17
environments 96:20
equal 64:22
equally 70:1
equip 47:17
equipment 52:10;53:13;80:5
erect 41:9
erected 25:4
errors 38:10
especially 105:24
essentially 29:4;57:11;73:6
establish 34:14
estate 36:17;62:4,7,9;63:4;66:10;87:25
estimates 43:5
evaluate 43:12

even 19:8;49:14;60:3;67:19;86:18;87:8;90:21;
91:16;100:25

evening 5:2;6:20;7:19; 8:7;16:15;23:14,16;25:25;
30:14;36:12;51:7;56:23; 73:10;78:5;106:16

event 15:3;48:11

evergreen 8:5

everybody 11:8;42:22;46:13;48:24

everyone 15:9;23:4;30:14;79:15;106:4

everywhere 49:20

evidence 11:15;33:22;37:2;38:6,13;40:19,24;
41:2,22;75:17

evolves 50:8,8

examining 88:11

example 17:24;18:10;19:1,8,13;39:7;89:5,9;90:2;91:4

examples 4:19;89:13;90:4

excellent 51:17;52:25;70:5

except 106:4

excuse 52:12,18

exhibits 42:8

exist 7:5;53:17

existing 4:19,22,25;5:4;6:7,10;7:6;19:2;84:1

expansive 97:1

expect 24:22;74:13;79:16

expectation 71:5

expense 60:23

expensive 21:12

experience 24:13;51:23;68:20

experienced 68:19

expert 23:24;80:1

experts 42:8

extensive 52:3

extra 93:16

extrapolate 46:9

extremely 60:18;69:5;70:3

F

fabulous 26:4

face 54:25;78:14

faced 26:24

faces 59:13

facilities 9:25;34:3;35:2,10;85:19

Facility 3:2;10:14;13:15;22:2;93:2,3;95:3;108:1

fact 36:2;81:6;95:11

factor 59:3;94:24;95:18

factors 95:16

factual 104:25

Fair 28:22;47:7

fairly 37:1

faith 55:14,15;83:14

fall 22:12

falling 39:6

familiar 80:4

family 69:21,24;70:4,7;71:22

fan 30:24;31:4,10

fantastic 66:23

far 9:11;21:2;58:2;75:18;79:1;86:14;93:11;94:4

farm 77:3

farms 77:6

farther 34:5

fast 49:5,24;50:8

faster 49:5

favor 10:4;39:8,17;72:9;108:9

favorable 22:1

favoring 10:23;38:8

FCC 43:12,16;95:2

feasible 21:11,18

features 93:16

federal 9:21;10:7;33:2

feel 15:22;22:6;23:12;25:24;36:2;70:3;71:19,24;
77:8;79:11;92:12

feet 4:22;7:4,5;8:24;9:4;18:11;27:24;28:1,20;29:11;
56:2;69:22;70:18;71:23;84:1;85:25;90:8;91:12

fell 66:14

fellow 65:16;79:24

felt 88:23

fence 8:3

few 16:20;17:4;19:14;23:16;25:15;51:7;54:20;
60:6;100:20;102:20,25

field 71:14;102:7

fifty 43:6

fight 32:12;67:2

figuratively 74:2

figure 31:6

figured 66:17

figures 52:4,5

files 6:20

fill 32:11;36:19;53:21

filled 77:4;79:1

filling 76:25

fills 5:21

finally 25:5;49:3;50:7;95:4

financial 7:14;24:23

financially 20:24

find 3:17;14:15;28:12;29:14,17;30:6;45:5,25;58:1;
62:23;66:8;69:3;74:1;78:21;79:8;86:21;91:3,6

findings 52:19,20

fine 15:16,23

finish 5:8

finishes 97:21

fire 11:10;17:24;67:24;83:22

fire-station 13:13;84:22;85:18;86:18

firm 80:6

first 3:1;12:20;13:12;25:12;28:15,15;33:25;34:1;
56:17;61:4;63;22;83:1,9;107:6

Fish 43:5

five 23:10;43:6,7;50:9;51:19;54:4;64:4;80:8

five-plus 51:16

flapping 26:19

flaws 29:9

floor 30:24;31:10

Florida 39:16

flown 23:11

flyer 78:7

focus 37:3

focused 88:20

foliage 18:19;21:3;22:12

folks 12:21;14:20;15:14,21;49:6;83:4;86:6;103:3

following 41:20

follows 76:7

foot 89:16

footage 57:13

forbearance 74:13

force 48:2

foreclosure 59:22;64:15

foreclosures 59:24

foregone 81:11

foreign 54:19

foresee 37:16

forever 50:16

forging 54:16

form 48:8

formed 44:24

former 44:24

Fort 66:4,6

fortunate 70:3

forward 11:7,12;13:19;75:8,20;76:18;78:4;79:20;85:22

forwarded 101:2

found 22:5;30:6;33:23;66:15;86:4;89:13

four 49:11;74:11

Fourth 41:4;45:20

frame 65:22

franchise 54:19

Frankly 45:11;48:23;49:6;102:4,17,21

frequencies 5:14,16,17,18;95:18

friends 25:15;51:1

front 25:11;28:20;51:8,14;56:12,14;68:2

frustrated 61:10,11

fuel 48:15

full 34:9;65:17;74:7

Fulton 87:20;88:12,21

further 7:9;45:7;80:15;90:10;97:24

future 24:16;54:6,7,8

G

gain 7:14

gang 67:22;68:23

gap 52:3
gaps 52:7;53:16,21
garage 31:11,12
garbage 67:18
general 29:5;47:25;97:18
generalized 42:16
generally 10:7;18:10
generator 48:14,14;98:25;99:5,9;100:9
generators 99:19
gentleman 53:3;95:4
George 54:1
Georgia 12:6;16:17;19:10,12;39:15;43:25;65:25;69:5
German 44:25;45:2,6
giant 58:23
given 8:17;26:6;74:8;86:13;91:9;92:16;98:16;101:12
gives 14:4
giving 73:8
Gizmo 49:25
glad 51:3;53:12;91:16
goals 34:22;71:12
God 82:2
goes 10:22;31:1;77:22;81:16,23;99:20
golf 39:23;81:19
Good 16:15;26:23;30:14;31:3;43:8;51:7;56:23;59:1;
66:16;78:5;89:25
Google 51:12
government 45:2;53:24

governments 9:16;37:24;42:11

GPS 47:12,14,19;93:11,16

grab 56:5

grade 28:10

grading 14:7

GRAFF 76:19,20

graffiti 67:22;68:23

graphic 6:25;7:7

gray 5:17

great 11:19;17:16;23:9;53:6;60:10;79:15;81:12;
86:25;90:2

greater 79:13

greatest 7:14

greatly 80:17

green 5:14;26:9;53:3

GREENE 12:3,4;16:12;21:24;72:6;83:1;91:20;98:2,23;
99:8,18,24;101:7

ground 8:4;19:16;24:4;25:7;83:5

grounds 41:10,20

group 16:18;25:11;26:12

grow 70:18

growing 50:13;70:7,25

growth 88:7

guarantee 99:6

guess 21:1;59:5;64:19

guessing 56:6

guidelines 34:14

Gulf 43:15

guys 27:14;32:21;49:11

H

HALE 78:5,6;79:6

half 8:18;24:12;43:21;62:18;89:10,10,12

hand 14:12;25:22;46:7;53:3;82:6;97:17;108:10

handful 46:20

hands 82:23

handset 47:13,18

happen 21:11;24:16;59:20;67:8;104:2

happened 68:9,15

happens 24:3;48:22;50:7;53:23;59:6;66:19;88:17

hard 49:7;105:3,8

harm 76:11

hate 63:10

health 25:9;34:18;62:21,25;63:7;70:21;74:15;76:8;
77:17,20

hear 11:24;28:8;36:23;39:5;61:15,16

heard 11:17;27:5;68:13;73:9;74:3;78:8;106:3

hearing 37:14;40:1;65:14;97:25,25

heart 31:20;55:16;66:5

heartbreaking 60:7

heaven 32:8

height 8:21;10:16;17:12;18:12;28:1,3;85:24;107:15

held 10:7;40:13

Hello 43:23;87:18;92:18

help 26:5;103:3

helped 23:14

here's 33:5

Hi 23:4

hidden 28:12;30:7

hide 74:2

high 10:16;17:23;74:21

higher 9:4;10:20;58:6,6; 62:17;81:7

highway 61:15,20;107:9

Hill 12:5

hills 18:19;65:24

hired 83:14

historic 35:12

history 44:9

hold 42:9;48:3

hole 81:18

home 15:7;30:23;31:1,2, 4,12;32:4;40:10;52:14,18;
53:9;57:18;58:16;59:9,10, 13,16;60:2,9,10,22,25;
62:15;64:7,22;67:6;68:7; 69:3;77:14;78:11;87:5,7,9

homeowner 7:13

homeowners 64:10;81:14;90:12

homeowners' 23:20;26:17;66:25;67:1

homes 6:7,10;32:5;40:7; 47:2;57:17,18,23;58:1,4;
59:17;60:3;62:16,17;63:13,14,15,22,25;64:2,10;65:1;
67:3,5,13;89:7,8;90:12; 93:22;94:3,12;107:18

honor 100:20;106:12

hope 23:23;27:20;36:23

hopeful 79:6

Hopefully 104:3

hopeless 60:15

hoping 27:17

horse 77:5

Horseshoe 81:21

hot 73:23

hours 52:15;100:3;101:22

house 3:18;14:11;29:4,7; 49:14;50:1,2;61:5,5,6,7,14,
18,19,24;65:2,3,5;66:18; 68:3,3;89:5;90:18

houses 14:9,23;53:11;62:1;77:4;89:3

housing 40:4;66:4

huge 52:7

hundred 90:8

hundreds 55:8;63:19; 83:16

Hurricane 47:23

hurt 70:15

hurts 91:4

I

I-1 102:12;107:9

idea 94:20

ideally 17:22

identified 28:21

ie 38:7

Igleheart 101:19,20;102:10;103:2,13;104:10

imagine 36:1;54:4

immediate 63:14

impact 7:16;22:16;24:6,24;30:9;34:24;35:8,17,21,
24;39:3;40:4,10;25;43:18;74:19,20,20;88:13;91:13;
92:3;102:11;105:5;107:2

impacted 23:25;25:3

impacts 35:5;107:5

imperative 14:22

implement 18:22

implementing 18:6

implore 55:11

important 31:18;33:17,24;36:12;76:4;77:21;80:25

imposed 19:12

impossible 18:21

impressed 100:22

improperly 39:19

inappropriateness 35:23

in-building 16:25

include 39:2;99:19

included 7:25

includes 6:19

incompatible 107:8

increasing 71:12

indicated 86:23

indicating 79:4

indigo 23:5;28:19;43:24

individual 97:17
industrial 31:16;43:1;102:14
industry 37:13,25;38:4;44:11;51:11
infants 46:13
inferior 54:18;58:8;95:6;102:7
influence 37:18;89:4,19; 90:13
info 72:22
information 8:16,18;16:3;72:20;98:7;100:23;101:1,
12,13,23;104:19,23,25
informative 27:18
infrastructure 15:9;21:15;81:5;87:2
inhibits 10:8
initial 86:24
initially 85:17
input 86:7
Inquired 19:22
inside 39:22;52:18
inspection 61:22
inspections 60:22,25
install 52:5
instead 14:21
Institute 87:24
integrity 34:20
intent 34:6;106:25
interchangeable 97:9
interest 55:16;65:16;75:20;77:17

interested 29:2

interesting 45:6;46:24;47:16;48:18;78:21;79:9;
100:25;101:4,11;104:24

interestingly 45:1;78:7

interference 94:19

interpret 42:12

interview 90:11

into 10:9,22;12:25;31:23;33:14;47:22;50:19;56:4;
59:21,22;70:9;73:22;86:8;94:8,19;95:17;102:4

intricacies 94:6

Introducing 17:10

intrusive 90:2,6

in-vehicle 16:25

investor 36:18

invisible 28:22

invoke 59:2

involve 55:20

involved 12:18;86:11

issue 40:2;60:13;71:3,4

issued 43:12

issues 36:12;53:8;99:4; 100:24

item 3:1

J

Jackie 26:4;76:20;98:10

Jeff 75:10

job 27:4;57:9;59:17;61:9,11;64:13;79:16;82:16;
101:24;104:19

John 79:22

join 83:4

judge 37:1

Junction 79:23

junk 67:18

jurisdiction 12:24;36:1;39:14

jurisdictions 13:3,5;37:16

jury 37:9

justification 72:11

K

Katrina 47:22,23;48:6

Kavanaugh 24:8;36:9,10,14;37:11

keep 23:23;31:1,13;32:17;33:7;69:12,13,13,19;
74:25;77:24

keeps 65:18

Keller 62:8

Ken 24:8;36:9,14

Key 38:25;40:23;102:1

kid 28:10;73:22

kids 66:22

kill 62:12

killed 43:8

Kim 23:18

kind 11:5;14:4;26:18;27:5;28:9;44:11;46:21;47:16;
50:4;59:3,5;72:10,16;73:13;74:6;92:25;95:7

kinds 67:18;98:6

Kirsten 78:6

knew 73:25;83:17

Knighton 23:3,4,5;25:20;26:2;29:20;30:4;36:9;
43:21,22,23,24;47:21;49:3;50:22;56:21;65:11;69:17;
72:5;98:24;103:2

Knighton's 83:19

knock 83:5

knocked 91:7

knowledge 83:15

known 37:25;51:25

knows 11:8;52:5;54:10

L

Laboratories 80:3

lagging 45:14,14

Lake 3:3,4;4:6,14;19:25; 23:6,20;24:25;30:16;36:16,
22;38:20;48:23;51:21; 53:1;54:23;55:1,23;57:6;
58:11,14,18;59:4,10;65:12; 73:18;74:22;75:11;76:20;
78:10,18;80:20;81:16; 108:2

land 14:21;34:23;73:9

landscape 84:8

language 48:5,5

Lannie 12:4;27:2

laptop 49:18

large 14:3;22:2;26:14; 46:10

larger 6:13

largest 7:15;45:20;57:2

last 23:10;54:25;64:24;81:15;88:4

late 69:18

Laughter 26:1;29:19;30:3;37:10;49:2;51:5;58:24;
63:11;89:21;99:11,23

law 9:21;37:4;45:7;83:6

lawyer 32:24;75:13

learn 3:19

least 67:12;81:15

leave 3:20;59:16;67:24;69:4

leaves 22:13

left 22:22

legalese 34:9

lender 57:2

lending 24:21

less 5:17;59:14;64:4,16;69:22;70:18;71:23

lesser 62:18

less-expensive 53:19

letters 6:15

level 19:5;21:16;38:15;102:6

Levine 24:2;30:13,14,15;32:21

Levine's 84:9

Lewis 12:8;16:8,15,16;20:3,8,12,15,20,25;21:14,22,23;
92:18;96:4,10,13;97:10,12,15,16

Leyland 84:11

liaison 106:5,10

licensed 95:18

licking 73:24

life 13:6;26:11,14;45:10;74:21;75:1;88:1

liked 26:8

likely 22:3;45:18

limitations 10:1;18:23; 19:11

limited 95:19

limiting 15:18

limits 10:8;26:16;37:23

line 6:7,11;18:14;63:4;72:19;85:2;96:25;103:6

line-of-sight 18:21;21:6

lines 14:21;60:15;62:23;73:9

listed 63:25;65:1,3

listen 62:2;69:10;90:24

listened 27:2

listening 36:11;50:17

listing 58:16

literally 74:1;90:22;91:5

litigate 38:4

little 24:6,15;27:21;32:7; 35:11;37:6;43:3,6;44:8;
45:19;46:17;48:4;59:4; 61:10,11;66:15;73:21,23;
76:21,22;77:6;78:9;103:5

live 3:12;23:5;25:7;30:15; 43:24;50:15,24;51:12;
56:24;65:12,24;66:9,22; 71:6;75:11;76:20;78:6;
87:19;94:18

lived 36:15,16;75:12; 82:8;88:1

lives 24:4;25:1,2;48:24

living 49:12;66:13;82:19

LLC 3:3

local 9:16,22;37:16,24;39:17;40:8;42:10,17;73:4

local-government 37:22

locate 35:4;85:5

located 4:6,13;7:3;9:1;14:3;19:25;58:13;83:21

location 5:3,20,20;6:5,8, 11,16,24;7:8,13;8:5;12:11;
13:9,12,17,20;37:18;40:7; 47:11;57:1,6,7,14;64:8;
69:23;85:23;88:16;103:9; 106:21

locations 5:18;14:8;17:24;19:20;38:18

long 49:7;62:19;74:14;94:14;98:8;105:18

longer 48:3

long-term 70:24

look 6:24;12:22;13:1; 16:4;18:7,16;30:21,22; 33:17;
34:1,13;35:15;57:22; 59:12;66:12;68:24;71:18;
101:11;105:3,6

looked 13:9,23;17:23;33:3,3,4;88:22;89:14,15,
16;91:2,5

looking 17:14;32:18;68:6;78:13;84:19

looks 27:25;68:23

loose 43:7

lose 48:22,25;67:9;99:21

losing 68:6

loss 39:4;48:1,12;51:24;64:13;107:22

lot 14:12;18:18,19;23:13;34:12,21;37:14;44:12,13,
13;72:20;86:7;87:7,22; 88:21;89:2,4;94:15;96:21;
101:22,25

lots 3:20

love 26:9,9;34:7;53:2;66:14;69:6

lovely 31:22

low 28:23

lower 58:8,9;64:22;70:23

low-powered 18:13

Lucent 80:3

luck 36:7;81:12

M

ma'am 76:18

MAI 87:23

mailbox 78:8

maintain 47:24;76:9

maintained 48:10;94:15

maintaining 34:19;37:17

Major 25:5;69:17,18;80:7

makes 81:7

making 102:17

mall 22:1

mama 74:1,4

man 46:12

managed 62:9

mandate 102:6,10

mandates 42:10

man-made 4:10;85:12,13

manner 4:18

many 3:11;18:12;19:22; 36:19;46:18;51:22;53:18;
70:6;76:24;77:1;78:22; 94:7;95:16;101:20,22

map 52:10;53:5;84:16; 85:19

March 64:25

Marietta 12:5

market 10:10;15:18;45:19,24;46:1;61:25;63:12,16,17;
64:3,17;67:4,6,11,13

Marquise 12:8;16:15; 92:14

matter 9:13;33:19;90:14; 91:8

may 3:23;5:10;12:10,15; 13:2;15:14,21;16:13;24:8;
37:6;40:21;55:9;59:21,22, 25;60:5,8,9,11;83:13;
86:10;87:8,15;98:1

maybe 28:1,6,22;55:10;101:1;103:3

Maycroft 69:22

MAYOR 3:8,10,23;5:8,10; 8:8;9:7,14;11:21;16:11;
20:3,18;21:21;22:24;23:8; 25:17,19;36:10;51:6;
56:19; 65:15;69:20;70:8;72:5; 75:6,10;76:16,19;78:2;
79:18,20,24;82:4,21;87:17; 90:24;91:19;96:1;97:14;
98:18;100:11;101:17;103:12,23;104:7,12;105:13,16,
17;106:3;108:4, 7

McPherson 66:5

McQuillan 24:17;50:22,23,24;51:6;56:15

mean 45:5;49:1,10;80:19

means 3:19;46:13;47:13;48:9,13,13,14,15,15;63:24;
64:15,17

median 62:13

meet 13:10,10;14:15,16;21:9;33:1;85:14,14

meeting 39:25;46:4;50:25;52:18

meets 22:5;86:4,21

Member 3:8,24;8:10; 20:19;67:24;98:21;100:17;
101:19;104:15;105:16; 106:4;108:4,7

Members 23:8,19;51:7;56:19;69:20;70:8;75:1,10;
98:19;100:14

mention 58:4

mentioned 29:13;44:1;72:6;80:24;92:22;93:12; 94:4

merit 35:13

merits 98:14,15

mess 31:25;74:9

met 85:10

method 47:14,15

Methodist 41:10

methods 92:24

Metro 40:11;57:2,3;62:5

Michael 44:1

microcell 20:11;97:5,8

microcells 20:16;21:25;54:8;96:7,11,19

microphone 96:3

middle 17:19

middle-class 67:15

might 26:23;30:25;32:1;44:7;45:4,15;47:17;59:1;65:13

migratory 43:4

migratory-bird 43:14

Mike 23:3,4,18;43:4

mile 62:18

miles 52:15;53:9;66:12

military 66:2,19

million 43:6,7;72:24

Milton 68:12

minds 61:2

mini 50:2

miniaturized 49:9

minimal 17:10

minimize 17:11;35:2,8; 107:3

minimized 35:6;107:5

minute 28:24

minutes 56:7

missing 27:25

mistake 102:17

mix 60:14

mixed 37:7

models 30:25

modification 9:25;11:6

moment 32:24;57:16

monetary 39:11

money 15:25;54:20;60:21,23;61:21

monopine 4:18,20;17:15;19:25;83:20,24;92:10; 108:2

monopole 39:22

monopoly 44:25

monster 49:11

monstrosity 74:10

month 49:25;67:3

months 24:11;55:1,25;57:24;58:2,2;102:25

moratorium 104:4

more 5:24;13:25;14:8,20, 20;15:7,11,11;16:9;19:9;
20:23,25;21:12,25;22:3; 25:13;28:1;30:2;31:17;
42:6;43:3;45:16;47:15; 60:4;67:20;68:25;79:1,12;
80:10;87:15;90:5,21

morning 78:8

mortgage 57:1,22

most 13:3;27:12;30:19; 33:13;57:23,24;76:4;84:20;
87:4;88:15;96:5;97:10,12; 98:7;101:8

motion 98:20;100:16; 101:18;103:10;104:14;
105:14;106:7,8,13,14; 108:4,9

motives 3:15

Mountain 29:25

mountains 58:11

move 5:9;7:11;13:19;49:11,13;61:7;75:20;77:11,19,21;
85:22;107:25

moved 8:2;26:7,8;69:24;76:23

moves 7:4

moving 8:13;49:4,5;84:13

MPE 95:2

MTSO 73:13

much 36:4;46:1;69:6;70:9;73:17;75:4;82:1;90:5; 95:17

multiple 62:8;100:7

municipal 24:7

municipalities 38:10;39:11

municipality's 38:6

must 52:3;64:14;100:21

myself 3:16;25:13;52:9

N

name 11:25;12:3;30:15;36:14;43:23;50:24;56:15,
23;65:23;67:25;69:21;75:10;78:5;82:7;87:18

Nancy 3:8

Narrow 46:17

narrowed 88:23

National 71:1

nation's 39:1

nationwide 95:13

native 57:3;62:6

natural 105:10;107:13

naturally 71:15

nature 103:21

near 63:18,20

nearby 25:4

nearly 42:2

nearness 107:18

necessary 92:12

need 11:2;12:11;13:21; 15:5;16:1,2,4,22;17:18,19;
19:6;21:6;23:12;30:2;31:5; 32:17;34:5;37:16;47:6;
59:18;83:18;86:17,19;87:5,6,9;94:9,22;95:5,23;
98:12; 101:14

needed 59:21;93:6;94:17

needs 14:17;27:8;55:20

negative 70:21

neighborhood 23:1;27:1; 28:17;37:1;41:25;45:9;
46:5,17,20;48:23,25;50:19; 54:14;55:17,22;57:7,21;
62:12;65:18,19;66:15,23;67:4,14,15,22;68:4,8,10,21;
69:2;74:23;81:17;102:24

neighborhoods 18:24;19:6;31:19;32:5,16;34:22;
42:25;74:25

neighbors 36:19;77:18; 107:21

neighbor's 26:20;61:5

neither 106:21

nervous 25:12;76:21

network 17:9;94:18;95:20,21;97:5

networks 88:7

new 27:4;47:18;49:10;71:16;93:2

next 5:19;24:12,17;26:19; 32:12;35:11;56:21;61:24;
65:2,4,6;74:9;78:3;80:17; 81:9,18,21

nice 33:1;66:15;67:14

Nichols 16:14

night 32:4;61:16;68:21

NIXLE 15:1,10,11;86:25

Nobody 106:14

nonanswer 27:6

nonexpert 42:13

nonintrusive 22:7

nontraditional 81:2

Nor 53:10;106:22

North 66:6

notes 72:6

notice 90:22

notices 38:24

Number 3:2;6:13,13;17:11;28:18;35:2;52:11;57:13;
64:5;72:11,13;79:13;107:4,11,16

numbers 43:7

nurturing 70:10

O

Oakstone 56:24

objection 40:3

objections 36:24;40:1,24

objectives 21:19

objects 28:13;29:14

obnoxious 89:23;90:1,5

obsolete 50:11

obstructions 96:23;97:3

obtain 21:18

obvious 53:8

obviously 10:19;42:4;82:2

occasionally 28:11

occur 68:2

off 19:15;30:11;44:21;70:13;75:12

offer 75:24

office 62:10;87:20

offices 62:9;107:9

often 88:15

old 49:13;63:5

once 68:25;81:22;97:21;102:21;104:1

one 5:5,24;12:20;13:25; 22:10;26:22;29:3,23,25;
 30:24;31:2;38:8;42:6;43:3; 47:9;51:22;52:21;53:22;
 55:8;64:24;65:3,6;67:3,5; 68:21;72:12;73:13,25,25;
 76:24,25;80:5,7,15;81:17,18,20;82:10;83:21;88:6,10;
 92:22;95:4;98:25;99:1; 101:8;102:1

onerous 10:5

only 21:8;29:11;85:25;86:1,13;93:25;104:23

onsite 73:15;99:6

open 79:2,14;96:22;102:18

operations 99:16

opinion 4:11;26:12;40:23;62:3,4;88:12;89:23,24;
 90:17,18;91:13;107:12

opportunity 79:2;93:20;97:19,20,23

oppose 36:20;82:2

opposed 25:21;50:18;51:3;56:16;57:5;79:14

opposing 41:14;106:1

opposition 6:15,20;41:23;42:16

optimal 84:20

optimally 17:7

option 18:8;19:17;58:22

options 17:5,20

order 3:13;16:21;21:7; 93:5

ordering 43:12

orders 66:18

ordinance 10:8,12,22; 12:22;13:4,9;14:14;85:7,7,
12,16;86:5,5,8,12,21; 103:14,25,25;104:1,5;
106:23;107:1,16

ordinances 33:4,12;34:4, 8,11;35:15

organization 23:2,3

origin 44:14

original 85:25

Orlans 20:4,6,10,13,17; 100:17,18

Orndorf 24:25;65:11,15, 23

oscillation 27:21

others 41:8;58:18;59:1

otherwise 11:15

ourselves 32:11

out 22:5;23:14;28:11; 31:2,6;32:12;33:8;44:17;
45:25;49:12;50:5,15;51:14; 54:20;56:5,13;61:2,22;
65:6;66:21;67:4,21,25; 68:7;69:1;72:24;73:24;
80:8;86:2,15,20;91:3,7; 92:4;99:9,20;100:4,7;
101:1;106:16

outburst 90:23;104:6

outstanding 104:19

over 6:14;22:22;33:11,14; 37:18;38:8;39:14;41:13;
42:18;44:2;51:1,9,11;52:5;54:3,25;55:24;62:10;
68:20; 76:23;80:17;82:6;88:2,22; 90:7;101:10

overall 26:11;107:25

overlap 17:10

owe 60:4

own 45:7;52:6

owner 47:18;62:8

owns 45:2

P

package 91:21;100:24

packages 101:9

paid 60:6,22,25;61:22

paper 6:18;82:9

parameters 107:23

parcel 6:10

parent 45:3;70:11

Park 30:1;91:24,24;92:1, 6,11

parks 70:6

part 13:14;14:13;15:8;26:3,14;57:9;83:11;88:5;
97:10,12

participate 15:10

particular 12:24;13:22;14:12;16:2,10;18:9;22:13;
38:16;78:23;79:10;83:24;84:17;86:8;97:7

particulars 94:6,20

parts 31:12

pass 28:11;103:24

passed 77:11,15

Passes 108:10

passing 9:18

pass-out 29:13

past 10:23;54:3;55:25;82:9

path 3:12

pattern 55:6

PCS 40:11

PDA 49:16,17,20

pencil 52:11

People 14:24;15:2,6;19:22;23:13,16,24;28:25; 35:19;
46:5,7,10,14,18,21; 58:15;59:9,15,16,18,19; 60:2,23;
64:1;69:11;76:12; 79:2,12,13;82:14,15;85:10; 86:16;
87:4;90:11,16,19,21

per 62:15;89:16

perceive 63:6

percent 45:23,23;46:8; 62:15;64:16

perception 63:6

perfect 60:10;83:10;89:5

period 56:8

permission 104:8

permit 39:12;40:2;41:9

permits 37:6

permitting 12:19

person 7:13;92:22

personal 42:18

personally 55:14;91:2,5

person's 61:12

perspective 21:2;63:5;65:13

petition 55:8

petitions 6:15,19

pews 101:21

PhD 53:23

philosophies 71:18

phone 30:20;42:22;46:13,14;51:18;52:13,16,17,21;
53:15;55:10;60:1;93:14,15

phones 14:21,24;93:18,21

photo 22:8,15;83:9,10,15

photograph 6:9;83:18,19

photos 22:11

Photoshopped 27:9;29:23

phrase 72:8

physically 20:22

physics 53:24

picky 60:18;61:23

picnic 73:19

picture 27:16;28:13,18;29:5,18;30:5

pictures 3:17;27:9,15;28:16;29:1,23;78:13

piece 32:7

pieces 6:18

pigs 26:21

pine 4:22;91:12

place 11:9;17:7;18:11;19:9;44:12;51:20;60:10;66:8,14;
73:18;90:1;96:23

placed 17:21,22

placement 9:24;11:5;17:16;33:12,15;35:23

places 31:16;32:17;70:6

placing 5:19;17:18

plan 8:1;13:15;55:19;102:22

Planning 3:5;41:11;46:3;84:4

Plantation 23:6

play 94:8,19;95:17

please 4:1;5:25;25:22;76:12,13,18;78:4;79:21;90:25;
96:2;98:23

plenty 19:9

plus 12:20;35:24

pm 108:13

pockets 53:16

point 30:1,13;38:2;43:3;53:14;59:2,5;68:5;79:23;
92:4;93:7;103:13

pole 19:13;40:4,8

poles 19:11,15

police 68:1;91:23

policy 99:15,18

poll 46:2

polled 46:3

pool 58:19

popping 10:24

populations 43:15

porch 32:6

possibility 11:13;103:24

possible 45:12

possibly 20:25;45:8

posting 79:3

pot-bellied 26:21

potential 24:5,23;34:24;35:9,18,20;43:13;74:19;85:20;
107:22,23

potentially 9:1;70:14;72:22;74:20

Power 19:11,12,13,15;37:17;47:25;48:1,10,12,20,
22,25;60:15;62:22;99:1,20,21;100:8

powerful 5:18

power-pole 19:2

precedence 71:7;81:15,22

precedent 71:25

precise 104:23

predictable 42:10

prefer 7:2;21:13

prepare 88:11

preparing 23:15

present 3:5;40:8

presentation 3:18;12:13;23:15;72:7;74:12;86:24;
105:2,22

presentations 104:18

presented 8:15;27:4; 29:24

presenting 27:8

preserve 9:21;35:11

preserves 37:22

preserving 41:25

presidents 23:19

pressing 42:24

pretty 22:14;25:12;29:2;31:13;32:18;43:8;48:6;69:14;
105:3

prevent 96:24;103:19

PRICE 3:1,7,24;4:1;58:6,9;62:13;64:21;66:15;89:4,
16;106:4,8,10;108:5

primarily 14:5,19;41:20;87:21

primary 40:3;96:18

prior 92:2

pro 75:24

probably 11:8;15:20;28:10;71:19,20;78:14,16;79:13;
81:10;88:4;91:25;98:7;101:8;103:18;106:21

problem 59:24

procedural 38:10

proceed 3:25;4:2;5:10;98:1

Proceedings 108:13

process 33:18;61:1; 102:19

professional 24:21;62:4

profits 76:13;81:3

program 15:1,10 **progress** 76:25;77:2,4,8,9

prohibit 103:22

prohibiting 9:17,20;11:16

prohibition 38:9,21

prohibits 9:16;10:6

project 78:23;79:10

promise 63:1;100:7

properties 10:15;13:24;14:5,7,9;35:24;64:15;72:25;
84:6;88:15;102:18;103:8;107:20

property 4:15;6:7;7:10; 9:2;11:9;13:6,14;30:16,18;
 35:9,19;39:4;40:25;56:17; 57:11,14;67:10;68:18;
 69:13;70:23;74:17;77:17; 84:9,22,23;85:18;86:18;
 87:12;88:14

property-rights 71:4

property-valuation 12:16;22:18;91:22

proposal 5:2;7:17;85:20, 25

proposals 83:22

proposed 3:13;4:4,13,17; 5:5,21;6:5,8,11,16,21,22;
 7:1,16;13:16;30:17;37:19; 46:24;51:13;56:25;57:5;
 64:7;69:23;88:19;107:12

proposing 7:7;28:2;48:21

proposition 26:24

proprietary 73:6,11,20; 74:5

protect 13:5;34:22;55:11,17;76:7;86:6;107:1

protecting 34:18

prove 62:24;88:16

proved 91:4

proven 98:12

provide 16:24;17:7;18:3, 21;19:4,6;38:24;47:1,6,8;
 48:10;53:20;72:14;80:6; 84:20;85:5;92:23;93:5,10,
 20,25;94:10;96:8,10

provided 5:13;6:17;11:1;16:3;22:7;75:17;86:1;98:6

providers 47:24;48:4; 80:12

provides 72:12

providing 18:15;38:11;44:19;48:19;54:22

provision 9:17;10:6;11:3, 16

proximity 63:14;107:17

public 13:6;34:19;76:8; 97:24,25

Publix 77:7

pulling 72:23

purchase 90:13

purchased 40:7

purpose 34:5,14;57:22; 106:25

purposeful 35:14

pursuits 45:8

pushed 79:8

put 30:22;31:7,8,11; 47:19,22;50:1;60:21;67:6,
11;77:12;80:10;84:5,8; 86:8;89:25;90:18;99:9;
100:23;101:6,8;103:3

puts 77:9

putting 31:10;46:19

Q

quaint 26:10

qualifies 38:12

quality 13:5;26:11,14;45:10;74:21;75:1

quarter 62:18;63:23

quickly 104:16

quiet 90:24

quite 16:3,20;17:4;19:14;24:9;25:24;31:3;36:5;
100:19,22;104:24,25

quote 41:21;42:6;62:11, 11

R

rad 17:23

radio 90:7

radius 38:20;52:14,25;57:20

raise 25:22;70:4;71:22;108:9

raised 46:7

raises 103:13

rambling 51:4

range 63:15

rates 15:20;91:14

rather 74:8

reached 29:10;56:9

read 20:10;32:25;33:2;44:5;51:2,3;52:2;96:7

reading 82:9

real 30:8;36:17;48:18;62:4,7,9;63:4,8;66:10;87:25

reality 59:25;63:6

realize 18:8

realized 19:22

really 23:9,12;26:5,8,11;33:17;34:7,11;50:18;52:3;
54:14;59:2,24;68:8,8;69:6,8;72:22;74:11;90:19;
93:19,23;94:24;95:20,22;107:24

realtor 40:8

reason 14:4;31:11;81:5;88:6

reasonable 33:20,23;35:25;37:17;38:25

reasoning 7:11

reasons 39:1

rebuttal 22:22;82:25;97:21,22

received 6:12;78:7

receiving 7:14,15;41:13

recent 57:24;58:1
recently 43:11;57:25;80:16
reception 51:17
recess 108:11
recognizes 14:25
recommend 41:12;69:10;103:9;104:8
recommendation 7:12,23;8:6
recommendations 84:3
recommended 6:23;7:8,19
record 14:13;91:10
records 38:23,25
recuse 3:16,23
red 5:1;7:1;55:8;84:18
reduce 64:21
refer 39:7
reference 56:1
referenced 27:10;95:10
referring 20:7,14;33:1
refinance 60:3
refused 40:1
refusing 39:12;42:17
regard 71:13
regarding 4:5;15:3;22:18;25:9;84:3;91:21;92:13;94:25
regardless 8:25
regards 16:6;83:9;84:2,13;85:11;86:9,24;92:17

region 43:15
regulations 9:19;37:12;41:24;43:17
reinforce 94:21
reiterate 95:1,8,22;104:17
reject 39:19
rejected 11:11;42:19; 86:19
relate 8:1
related 8:21
relatively 96:22
relevant 33:13
reliability 19:5;21:16
reliable 16:24;94:2,11
relocate 59:19
relocation 64:13
rely 14:24
relying 46:22
remember 65:21,22;92:19
reminds 28:9
rendering 88:12
renewing 43:16
replaced 49:12
replacement 93:2,9
replenish 32:10
report 7:25;8:7
reports 22:18

represent 4:18;5:15;12:1; 16:18
representation 4:24;5:13; 6:4,17
representatives 22:25
represented 5:3,22;6:5
representing 6:20;7:2,8;12:7
represents 6:25;7:13; 84:18
request 4:4;7:11;98:13
requesting 8:1
require 10:17,21;18:14;84:21;93:13
required 15:25;40:19; 83:11
requirement 5:5;18:22
requirements 12:23;13:10;14:16;18:6;21:8;98:5
requires 80:10
resale 40:10;107:22
research 38:5;62:24
resell 61:18
reserve 22:21
reside 69:21
residence 69:12
resident 51:9;70:12
residential 4:16;14:19; 15:6;27:1;31:20,24;32:16;
34:23;39:24;55:12,13,21; 56:17;57:2,7,10;62:14;
81:23;84:25;85:2,4,5,9; 86:16;88:15,19,19;102:15;
103:15,20,22;105:6;107:2, 17,19
residentially 103:7
residents 13:7;15:13; 17:1;40:6;65:16;67:6;
89:22;100:21;102:11; 104:20;106:16
residents' 40:1,3

respectfully 98:13
respond 103:16
response 106:18
responses 72:21
responsibility 106:6,12
responsible 26:13
responsive 36:5
rest 44:15
restating 37:20
restaurant 76:24
rested 41:23
restricted 103:15
result 42:5
results 52:23;63:1
retired 51:10
return 96:3
revenue 81:3
reversed 41:19
review 16:5;75:15
reviewed 14:14
rewritten 48:5
RF 5:14;12:9;16:18;21:1, 2
Right 9:3;17:18;24:2; 25:17;29:6,22;31:5;34:21;
45:21;48:21;50:2;51:14; 56:25;60:19;68:5;71:6,18,
19,19,21,24;81:20;86:17; 101:7;102:12
rise 38:14

risks 74:15

Road 12:5;14:3;16:23,23;78:18;79:1,14;85:1,3

roads 15:7;97:2

rolling 18:18

room 3:20;15:21;31:2,9;32:4;49:12;78:25;79:12

Roseberry 62:5

Roswell 5:1;13:7,8;15:4, 8,13;23:6;25:1;26:9;31:22;
32:17;34:4;36:15;38:17; 43:25;46:9,10,15;50:25;
51:9;55:22;56:18;64:4,6; 65:25;66:11,11,14;67:24;
69:4,24;70:12;71:5;72:1;74:22;75:20;76:6,23;77:11,
24;79:23;81:13,17;82:10,19;87:8;98:4;100:21;103:18

Roswell's 38:23

rough 28:1

roughly 46:14

rule 47:22,22;48:2,6

ruled 39:9,17

ruler 52:10

ruling 40:16;41:19;43:12

run 56:4,5

running 27:14;29:1;72:18

rural 44:20

rust 50:14

S

sad 60:8

safe 71:6,20

safety 13:6;34:18;39:6;41:1;71:15,16,17;76:8;86:6

sale 45:17;58:16;59:21;63:25;65:1,3;80:23;81:1,2;90:18

saleable 63:16
sales 45:14;58:6,7,9;59:3,23;71:12
same 27:5;29:4,4,16;30:5;31:14;57:20;59:3;61:21;
78:24;97:11
sat 14:9;61:5;82:15;101:21
saw 28:23;56:1;92:3
saying 39:18;47:6;78:15;90:16;96:14;99:1
say-so 33:11,14
scared 67:7
Scenario 64:10
scenic 35:12
Scherer 84:11
school 60:10
schools 70:5
Sciences' 71:2
scientific 46:2
scornful 42:20
screen 8:5;49:13;106:24
search 21:16
searched 30:5;86:3
second 28:10;29:12;41:3;61:14;77:13;80:23;108:5,6,7
seconds 27:19
Section 37:21,23;107:7
seek 58:6,8
seeking 17:2;42:7
seemed 104:25

Seems 46:21;78:23;87:12

selecting 17:6

self-supporting 92:9

sell 54:19;59:14,17,20;60:2,5;63:10,13;64:12,14,16,18;
66:17;81:1,9;88:15; 90:11

selling 59:2;63:3;65:5

sells 59:15

sense 60:17;63:18;73:16

sent 55:9

seriously 49:1;69:8

serve 5:23;46:20;93:8

served 37:9

service 10:6;11:3,16,18; 38:22;43:5;44:19;46:6,16;
47:1,2,3,7,8;48:11,20; 49:21;50:3;72:12;73:4;81:12;
82:1;85:5;86:17,19; 87:5;94:10,11;95:24;99:3,
7,16,22;103:19

services 9:18,20;38:9;42:19;72:15;75:24;92:23;
93:10,25

serving 100:20

set 71:7;72:1;81:22

setbacks 6:6;85:14,15

setting 88:18;105:10;107:13

settled 39:8

seven 75:18

seventies 62:22

seventy 68:6

several 10:24;23:22;68:1;77:18;81:9;82:8;92:24

sewer 78:20
shaky 76:22
Shallowford 14:3;16:23
shape 48:7
share 45:20,24;46:1
Sherer's 30:18
Sherry 24:21;56:21,24
shirts 55:8
shore 45:16
shoring 54:17
short 27:17;59:21,23
shortsighted 15:17
short-term 71:12
show 11:2;22:8,15;28:15,16;84:24;91:16;103:18
showed 66:3
showing 6:6,9;7:9;16:4; 70:24
shown 5:1;66:4;85:19; 106:24
shows 11:15;29:6;41:22; 75:19
sick 59:18
side 29:7;44:3,4;54:5,5;63:2;71:9,11;101:9;102:1
sides 3:18;6:8;17:17;105:23
siege 55:2
sight 18:14;96:25
sign 15:2
signal 93:4,5,5
signatures 6:14;41:13

signed 55:7
significant 14:8;22:16;35:12;105:7
signs 79:3
similar 4:19;20:11;24:11;57:17;84:11;87:1
simple 52:21;53:14;73:13;75:16;81:6
simply 75:19
Simpson 12:14;22:19;87:10,18,19;89:22;91:1; 92:1
sims 22:15;83:10,10
simulations 22:8;83:15
single 4:20;67:5,13
single-family 4:16;63:21
sit 27:11;32:5
site 8:1;10:19;11:13,14; 12:18;14:10;16:1,2,6;17:3,
6,7,14;22:5,6;30:1,17;85:6, 18,21;86:4,21;99:20,25;
100:2,9
site-acquisition 12:21
sites 12:19,19;17:8,11,12,21;84:13;99:19;100:7
Siting 13:15;34:15;37:18
sits 65:2,4
sitting 61:6
situation 18:9;19:18;21:20;60:15,16;96:14,15;97:7;
100:5,6
situations 18:4 six 26:7;51:9;52:4,5;57:24;58:1;
62:10;75:17
six-month 64:3
sizeable 45:2
Sky 27:22

sleep 61:17
slicing 31:23
slide 5:19
small 6:17;49:24;53:16,18;77:19;88:5;96:20
smaller 6:13
smarties 53:23
smarty 54:10
sold 57:19,23,24;89:10,12
solicited 62:3
solution 19:24;93:23; 96:17
solutions 53:19
Somebody 61:19
Somehow 26:23
someone 94:4
someone's 62:21
sometimes 67:17;74:1
somewhere 42:23;66:18;73:15
son 70:2
sorry 27:7;99:14
Sort 37:20;42:7;106:13
sorts 58:20;72:14
soul 31:21
sound 59:25
sounds 26:22;45:17;72:16
South 3:3;12:7;85:3;91:25

Southern 39:16

speak 13:23;22:19;23:1,17;24:9;68:13;75:7;76:17;78:2;
79:16;82:5,22;87:12,14;92:25;95:20;96:9;97:19

speakers 23:22

speaking 21:8;23:25;24:2,22;25:11;82:21

special 23:18;26:2

Specialists 87:25

specialized 44:19;52:10

specific 80:9

Specifically 63:20

specifications 21:6

speech 105:18

spend 15:6,25;67:20;70:7

spending 52:4

spent 80:2

spinoff 45:12

spinoffs 44:13

spirit 34:11

split 29:12

Springs 81:19

Sprint 80:13;95:11,15

Sprint's 95:21

spun 44:21

square 6:25;7:1;57:12;65:19;89:16

stabilizes 63:17

stable 64:3

Staff 6:12,23;7:2,18,25;8:9;9:8;79:24

Staffs 7:8,12;8:6;84:2

stake 45:3

stand 30:25

standards 34:2;94:11;95:2

stands 20:8

Starbucks 52:11

start 3:22;30:11;31:23;50:12,14;72:19

started 44:9;73:23

state 9:16;37:23

stated 13:18;14:14;20:20;83:25;85:11

statement 51:2

state-owned 44:25

States 43:16;82:11;85:8,12

station 17:24;30:7;73:14;77:1;81:17;83:22

statute 76:6,11

statutes 33:2

stay 49:8;66:20

stayed 69:14

stealth 28:7,8,8;29:15;85:11

steeple 4:10

step 16:11;46:16;70:13

step-by-step 33:18

steps 12:20

still 13:21;19:11;45:2;82:17;86:17,19

stood 56:3

stop 27:19

storage 48:15

store 31:6;77:6

stores 77:7

Street 16:16;50:25;52:18; 77:3

stressing 49:15

stricken 104:1

strip 84:9

striving 94:13

strong 5;15;36:24;103:23

strongly 57:5

struck 104:2

structure 4:6,8,21;7:21;13:17;17:15

structures 13:1;19:2,4,9;21:4;35:1;55:18;107:14,18

studies 12:16;91:11,22

study 52:1,7,24;53:8;63:1;88:11

stuff 27:5;74:3,15

subdivision 23:7;57:21; 89:6,10

subdivisions 88:25;89:1

subject 4:15;14:10;38:14

subject-matter 80:1

submit 14:1,1;38:11

submitted 12:17;52:20;75:3;91:10;98:3;104:20

substantial 33:21;38:5,13;40:19;41:1;75:16

substantiate 73:3,7

successful 37:5

sue 39:11;76:1

sued 40:11;41:16,18

sufficient 102:3

suggest 32:15;53:2;69:9, 10

suggested 104:9

suggestion 8:12

Suite 12:5;16:16

sum 22:4

summarize 98:3

summer 67:12

superimposed 27:10

superior 47:15;58:5,10

supply 63:22,23,24;64:3

support 25:16;34:25;38:6;105:11

supported 40:18

supporting 37:4

supports 52:1

Supreme 39:9

sure 3:14;42:23;48:6; 53:12

surprise 91:8

surprisingly 44:24

surround 84:7

surrounding 7:22;10:15;14:18;107:14

swept 79:7

system 9:12;11:6;18:2,10,22;19:16;20:6,7,9,11,23;
21:17,19;38:23;86:25;87:1

systems 97:4

T

table 19:15

talk 3:11;9:23;24:15;28:4;32:19,23;45:19,24;47:5;67:
15; 80:12;93:17,21

talked 30:20;67:25;74:11; 80:16

talking 46:18;54:11;64:5;72:23;74:15,17,18,18

tall 8:24;30:25;90:8

tanked 68:4

target 14:18

TC-8 75:15

teacher 28:11

teaches 54:1

technical 12:10;16:9;18:6;21:8

technologies 19:21;80:4,14;92:14;96:19;102:23

technology 19:21;28:9;29:15;49:4,23;50:5,8;54:16,18;
55:19;80:10,16,19;92:17;93:1,11,16;95:7,9,10,12,14,
15;96:5;97:5,9, 11;102:7

telecom 37:25;38:4;39:10;40:20;53:20

telecommunication 9:18;34:25;35:4;37:12;43:10; 107:3

Telecommunications 9:15;10:10;24:14;34:2;37:13;
40:14;44:2,5;46:23;53:25;54:1;80:1;81:1

Telekom 44:23,23;45:13

television 49:10
telling 68:17;69:1
tells 54:6;90:9
ten 49:22;50:10;80:2 **tend** 49:19
tends 38:4;88:18
terrain 18:18;21:3
test 29:9;53:10;56:1,10, 11;94:5,7
testified 40:6,9
testimony 38:12;39:4;41:14;92:13,16;98:16
Texas 69:6
texts 15:2
thanks 23:18;26:3;77:25
thereby 38:20
therefore 93:8;99:20;106:6;107:20,25
third 28:10;81:18
though 10:2;44:21;46:25;86:18
thought 5:8;25:13;44:7;52:2;69:7;91:3;96:7
thoughtful 72:3
thousand 27:17;68:6; 88:22
thousand-plus 6:14
threat 63:7,8;65:20;66:24; 68:15,16
three 7:24;10:19;46:7,7;47:9;55:9;56:6;84:5;90:8;100:3;
105:20;107:16
three-hour 99:24,25
three-tenths 45:23
thresholds 94:16,17

throughout 55:13;97:5;102:19

thwart 42:13,14

tight 60:23

tightly-whities 26:19

times 15:24;68:1;94:15;102:20

Tish 24:17,22;50:22,24;56:15

T-Mobile 3:3;4:5;5:13,22;6:6;7:1;10:21;11:7;12:7,9;
14:17;15:22,23,24;16:19,24;19:24;20:24;21:15,18;24:
18;28:18;29:24;36:21;38:25;44:9,14,16;45:13,20,25;
46:6,15,22;47:4,5,11,18;48:9;50:4;51:14,15,17,25;52
:4,12,16,23,24;53:4;54:17;55:2;72:12,17;76:1,10;80:9,
18;81:7,9;88:9;92:22;94:9,21;95:1,5,8,12,19,23;96:8,
10;99:7;104:18

T-Mobile's 24:19;28:2;51:20,22;54:24;94:11;99:13,15;
102:1

today 48:16;58:21;60:18,24;75:13,16,18,24;76:5;79:25;
80:8;81:8

today's 15:23

Todd 62:5,12;64:23

together 98:9;100:23;101:6,8;103:4

told 65:18;70:20,22

tone 59:3

tonight 12:6;15:14,22;36:20;37:3;38:3,12;39:5;44:7;
70:11;71:3,7,21;79:16;80:12;81:25;83:23;92:21;98:16;
100:19; 101:14;104:18

took 13:8;46:2;49:11;56:4;85:7;98:8

top 49:8

topics 24:1

topography 18:7,17 total 29:10;35:2

touched 96:4

tower 3:13;4:5,8,13,17;5:19,21;6:2,2,11,21,22;7:3,
16,21;8:13;10:20;11:9;14:23;24:24;25:3;26:25;28:2,
7,8;29:17;36:25;39:12;40:9;46:19,24;47:6,19;48:11,2
1;50:2,18;51:14,21;52:6,12;55:20;56:12,16;58:23;59:
7,13;60:11,14,61:13,24;62:14,16;63:19,20;64:8;65:2,
4,6,8,17,20;66:24;67:8;68:16;70:19,22;71:23;74:10;7
5:21;76:10;77:8,14,22;78:9,15;80:21;82:2;83:24;85:8,
11;89:7;90:20;91:11,23;92:2,8,9;95:5;104:7;105:4;10
7:11; 108:2

towers 4:20,25;5:4;10:24;31:14;33:7;34:16,25;35:3,4,7;
37:19;38:19;39:6;41:10;42:21;43:10,14,18;45:16;47:
9,25;50:10,13;62:12;63:7;64:21;70:21,25;80:11,14,8
1:4;88:3,11,13,21;89:18;90:6,7,7;91:2;93:8;94:19;10
2:12;103:8, 14;107:3,4

tower's 77:12;89:11

town 45:9;74:24

Townsend 3:5,7;4:1,3;5:12;6:1,4;8:11,14,17,23;9:3,6;
14:2, 13;27:19;28:7;106:19

Trace 65:24

track 70:13

tracts 14:3

traditional 41:24

transcriptions 38:24

transfers 59:18

transmission 62:20;63:7;64:21

tree 4:10,18;84:1;85:13; 91:12

trees 4:20,22;8:5,22,23;9:5;22:14;26:9;30:8;56:9,9;85:
13;107:15

treetops 56:3

trenching 73:17

Trent 24:25;65:11,14,23

triangles 5:2

triangulate 47:10

triangulation 93:1,6

tried 11:8;45:25;89:17; 102:20

trier 36:2

trouble 89:25;91:15

Trudy 24:12;26:7;43:22, 22,23

truly 79:11

trust 54:9

truth 70:23

try 5:23;17:5;19:1;55:3,5;83:2;86:21;88:16;102:22

trying 10:18;17:6;18:24;77:10;84:24;93:19,24,25; 94:1

tumultuous 44:12

turn 66:17

twice 61:13;80:24

two 25:10;29:12;35:16;39:8;41:9;49:10;52:14;55:9; 60:19;
64:4;66:22; 68:12;72:13;84:10;88:9; 90:8,19;107:11

type 80:9,19;99:5

types 80:5;90:7

typically 89:20,20,22

U

ugly 59:8;63:9,10

ultimately 29:8;44:21

UMTS 95:12
unable 16:24
unanimously 39:10;41:7, 11;108:10
unanswered 30:10
unappealing 59:9
under 10:12;34:3;35:11; 55:1;78:19
underlie 33:22
undeveloped 14:11
United 43:16;82:11
University 54:2
unless 11:14
unlike 44:14
unquote 42:5
unreasonable 38:7,15; 42:2
unsightly 59:8
unsophisticated 53:13
up 10:24;12:12;15:2,20;16:8,13;22:4;26:21;30:17,23;
 31:10,25;32:3,11,25;33:25;37:7;45:16;47:19;50:13;
 51:8;54:17;61:7;6:3,11,13;67:8;70:18;73:8;81:1;82:1
 4,23;83:7;84:22;87:11,14;88:18;90:18;92:5,15,20;94:
 11,24;97:17;98:24;100:8;101:3, 21,22;102:18;105:19
upgrades 57:13
upheld 39:1
upon 9:9;19:12;22:16;46:22;75:14
upside 60:4
urging 42:9
use 19:1,13;29:21,22;41:8;47:9,12;58:3;89:24; 93:9,14

used 22:3;53:12;80:13; 95:10,14

users 96:22

uses 34:23;43:2

using 14:20;21:17,19;45:6;52:16;54:13;93:1

usually 57:19,20;64:14

utilize 5:6

V

vacant 4:15

valid 56:11;90:17

valuation 63:5;80:24;81:7

valuations 42:8;92:2

value 39:5;57:12;58:7,7,9;67:9;70:23;72:24;89:19;91:4,
14;107:22

values 13:6;40:5,10,25;62:13;64:22;68:18;69:13;74:17;
77:17;88:14

variables 94:7

various 23:20;24:1;102:5,18

vehicles 67:18;93:22;94:3,12

Verizon 72:14;80:13;86:15;95:11,14

Verizon's 95:20

versus 63:25

via 21:7;92:23

viable 18:8;19:17;20:21,21,24

vicinity 28:19

Vick 82:7,7,13

video 27:17;28:23

view 33:18;57:14,16;58:4,5,8,10,11,11,11,17,19;59:9,
10;67:16

views 24:5;67:16

Village 39:18,25;40:12,13,18

village's 39:23

vinyl 8:3

violate 40:13;42:4;76:11

violates 10:10

Virginia 41:5,6,17

visual 7:15;30:9;35:8;63:15

voice 76:21

vote 3:15;55:17;76:12,13;97:24

voted 41:6,12

W

walk 56:13

wants 15:9;47:11

Ward 24:21;56:22,23,24; 58:25;63:12

Washington 44:18;54:2; 101:2

water 78:20

Waterford 78:6

way 14:8;17:10;18:3;32:8;33:9;34:8;48:7;78:6;85:1

ways 11:17;47:8

weaker 5:16

weeds 50:12

week 8:18;82:9

weeks 23:10;25:10;46:4;49:10;51:19;54:4;68:12; 78:23

welfare 34:19;76:8;86:6

Wellington 39:18;40:12

well-spoken 51:1

Wendy 25:6;70:3

weren't 17:21,22

west 4:14;7:6,9;8:2

Western 44:17

what's 18:2;33:17

whatsoever 92:3

Whenever 71:15;97:6

Where's 50:4

whole 72:20;74:9;82:11; 88:1;93:7

whomever's 103:9

who's 25:20;50:14;63:3

wife 25:6;36:14,20;66:2; 68:5

wi-fi 54:17

Wildlife 43:5

Williams 62:8

willing 75:24;84:4,8; 106:20

Willow 81:19

win 38:3

wind 48:25

winding 97:2

Windy 12:5;83:13

Wireless 3:2;9:17;13:15;18:3;34:17;38:16;39:20;40:11,
15;41:8;42:18;44:4,17;46:25;72:12;80:3;108:1

wireless/cellular 44:10
wireless-communication 34:15;35:1
wireless-communications 34:3;35:10
wireline 44:4
wisdom 37:15
wish 36:6;47:4;75:6;81:11;82:4,22;98:19;100:14;105:13
wishes 27:6,7
within 4:11,25;35:3;38:19;39:24;52:13;57:19,20,23;
58:1;63:14;64:11; 94:2;95:2;107:19
without 6:1;15:19;49:14; 104:7
witnesses 75:18
woman 46:12
won 41:17
wondered 29:9
wonderful 69:25;70:1,5; 82:16
wondering 78:25
WOOD 3:8,23;5:10;8:8;9:7;11:21;16:11;20:3,18;21:21;
22:24;25:19;51:6;56:19;65:15;69:20;70:8;75:6;76:16;
78:2;79:18,20;82:4,21;87:17;90:24;91:19;96:1;97:14;
98:18;100:11;101:17;103:12,23;104:7,12;105:13,16;
106:3;108:4,7
wooded 58:19;59:12
wooden 19:13
woods 58:12
Woodstock 16:23;85:1
word 71:1,2;72:8;73:5,20

wording 76:5

words 27:17

work 19:3;20:22;32:13;55:2,4;61:10;71:14;78:12;87:2,3,
8,22;97:7;101:25;102:22

worked 53:24

workers 17:1

working 57:25;60:19;88:3;98:10

works 53:15

worth 27:16;60:5;65:13

Worthington 65:24

worthy 83:17

wow 52:2

wrench 28:13

written 13:4;34:9;38:24,25;86:5

wrong 60:8

wrote 60:20

Wyatt 23:19

WYNN 5:24;6:3;98:21,22;99:12;100:10;105:15,16,17;
108:6,8

Y

y'all 15:1;26:23;27:20; 87:11,15

yard 26:20;28:20;56:14;58:23;59:7

yards 51:13

year 43:9

years 12:20;26:7;36:16;44:3;45:11;49:22;50:9,10;51:10,
16;53:25;54:20;60:6;62:7,10;64:4;65:21;76:23; 80:2,
17;81:10;82:8;88:2,4,5;100:20;101:10,20; 105:20,21

years' 24:13

yellow 5:3,16

you-all 50:17;65:14

Z

zero 24:4;25:7

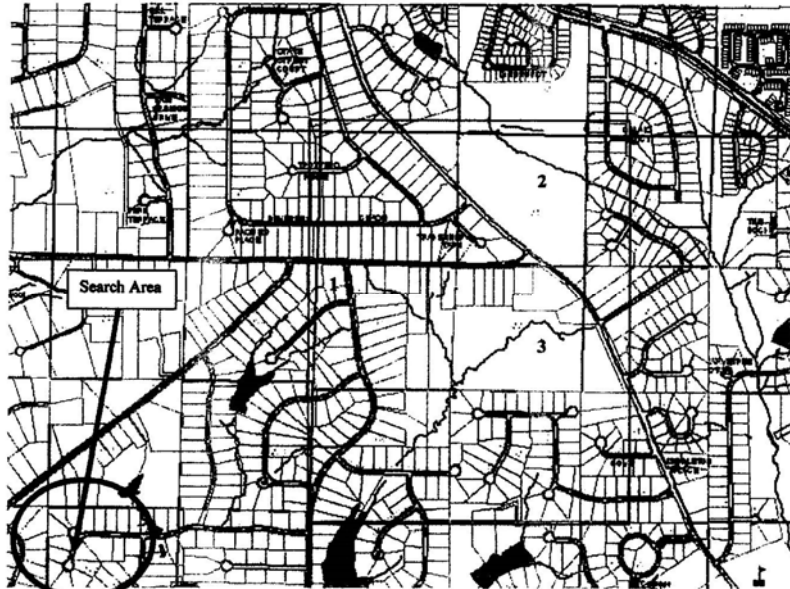
ZIP 63:21;64:25

zoned 4:16;14:19;84:25;103:7

EXHIBIT A**TAX MAP ANALYSIS**

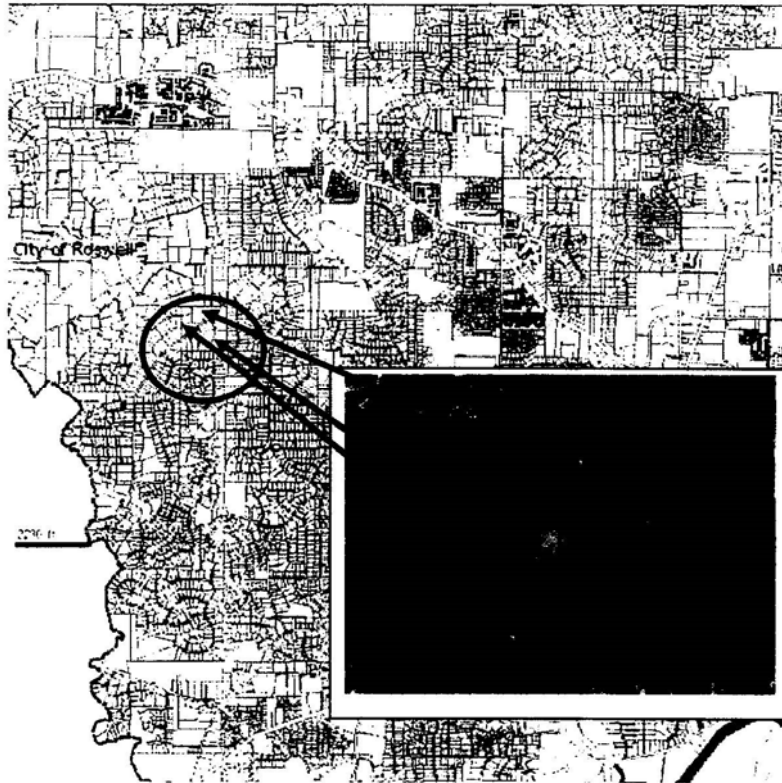
Search area is developed with single family homes and are zoned as such. Larger tracts within the search area are developed with single family homes and do not meet the intent of the City of Roswell code.

1. City of Roswell Fire Dept.—Although property established as a preferred facility location the proposal was rejected by City of Roswell.
2. Proposed location—undeveloped parcel.

TAX MAP ANALYSIS (continued)

1. City of Roswell Fire Dept.—Although property established as a preferred facility location per the **City of Roswell Master Siting Plan**, the proposal was rejected by City of Roswell.
2. Property too far east to provide seamless, ubiquitous, and reliable coverage. Location is also too close to existing T-Mobile facilities.
3. Properties too far east provide seamless, ubiquitous, and reliable coverage. Location is also too close to existing T-Mobile facilities.

ANALYSIS OF ADDITIONAL PARCELS WITHIN SEARCH AREA



These larger parcels within the search area are developed with single family homes and accessory structures. These parcels are not investigated because these sites are developed with single family homes and would have required significant clearing. The subject site requires minimal clearing and is an undeveloped parcel.

278

[LOGO]

Roswell Georgia, Since 1854

April 14, 2010

T-Mobile South, LLC
Four Concourse Parkway
Suite 300
Sandy Springs, GA 30328

Mr. Lannie Greene
SAI Communications
2421 St. Martin Way
Monroe, GA 30656

Subject: Request for a 108' Mono-pine alternative
tower structure

Adjacent to 1060 Lake Charles Drive, Land
Lot 261

T-Mobile South, LLC

Dear Mr. Greene:

Please be advised the City of Roswell Mayor and City Council denied the request from T-Mobile for a 108' mono-pine alternative tower structure during their April 12, 2010 hearing. The minutes from the aforementioned hearing may be obtained from the city clerk. Please contact Sue Creel or Betsy Branch at 770-641-3727.

If you have any additional questions, please contact me at 770-594-6176.

Sincerely,

/s/ Bradford D. Townsend
Bradford D. Townsend
Planning and Zoning Director

cc: reading file
wireless file

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CIVIL ACTION FILE
NO. 1:10-CV-1464-RWS

T-MOBILE SOUTH, LLC,
Plaintiff,

v.

CITY OF ROSWELL, GEORGIA,
Defendant.

ANSWER AND DEFENSES OF DEFENDANT
THE CITY OF ROSWELL, GEORGIA

COMES NOW the City of Roswell, Georgia, named Defendant herein, and sets forth its Answer and Defenses to the Verified Complaint of T-Mobile South, LLC, as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Defendant is not liable to Plaintiff because it breached no duty owed to Plaintiff.

THIRD DEFENSE

At all times relevant hereto, all actions or inactions with respect to the Plaintiff were carried out in the good faith performance of official duties by elected

or appointed officers and employees of the City of Roswell, and pursuant to a good faith and reasonable belief that such actions or inactions were lawful and constitutional. Accordingly, Defendant is immune from the purported claims and causes of actions set forth in Plaintiff's Complaint.

FOURTH DEFENSE

All of the actions of the Defendant toward the Plaintiff were in good faith, and without malicious and discriminatory intent.

FIFTH DEFENSE

The Petition should be dismissed to the extent that the Plaintiff has failed to properly file and outline constitutional objections prior to the time of the zoning decision.

SIXTH DEFENSE

Dismissal or deferral of Plaintiff's claims is proper under the Doctrine of Abstention.

SEVENTH DEFENSE

Defendant has not violated any provisions of 47 U.S.C. §332(c) because the Telecommunications Act defers to state and local governments concerning placement, construction and modification of personal wireless service facilities and because all Defendant's actions were consistent with the provisions of that statute.

EIGHTH DEFENSE

Any injury or damages allegedly sustained by Plaintiff were not the direct or proximate result of any action or inaction of the Defendant.

NINTH DEFENSE

In further response, and without waiving other defenses to Plaintiff's Complaint, Defendant responds to the enumerated paragraphs of Plaintiff's Complaint, by number, as follows

INTRODUCTION

1.

Defendant denies the allegations of Paragraph 1 of Plaintiff's Complaint.

JURISDICTION AND VENUE

2.

Defendant admits the allegations of Paragraph 2 of Plaintiff's Complaint.

PARTIES

3.

Based upon information and belief, Defendant admits the allegations of Paragraph 3 of Plaintiff's Complaint.

4.

Defendant admits the allegations of Paragraph 4 of Plaintiff's Complaint.

FACTS

5.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 5 of Plaintiff's Complaint.

282

6.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 6 of Plaintiff's Complaint.

7.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 7 of Plaintiff's Complaint.

8.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 8 of Plaintiff's Complaint.

9.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 9 of Plaintiff's Complaint.

10.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 10 of Plaintiff's Complaint.

11.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 11 of Plaintiff's Complaint.

12.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 12 of Plaintiff's Complaint.

283

13.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 13 of Plaintiff's Complaint.

14.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 14 of Plaintiff's Complaint.

15.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 15 of Plaintiff's Complaint.

16.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 16 of Plaintiff's Complaint.

17.

Defendant is without specific knowledge and information to either admit or deny the allegations concerning Plaintiff's investigation and further states that the Master Wireless Facilities Siting Plan speaks for itself and is intended to be a guide, not provision of any specific rights. Defendant therefore denies all remaining allegations of Paragraph 17 of Plaintiff's Complaint.

18.

Defendant admits the allegations of Paragraph 18 of Plaintiff's Complaint.

284

19.

Defendant admits that neighborhood input was solicited, but denies that the Master Wireless Facilities Siting Plan gives specific rights and therefore denies all remaining allegations of Paragraph 19 of Plaintiff's Complaint.

20.

Defendant admits the allegations of Paragraph 20 of Plaintiff's Complaint.

21.

Defendant admits that it did not enter into a lease for the Fire Station Site, but denies all remaining allegations of Paragraph 21 of Plaintiff's Complaint.

22.

Defendant admits the allegations of Paragraph 22 of Plaintiff's Complaint.

23.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 23 of Plaintiff's Complaint.

24.

Based upon information and belief, Defendant admits the allegations of Paragraph 24 of Plaintiff's Complaint.

25.

Defendant admits the allegations of Paragraph 25 of Plaintiff's Complaint.

285

26.

Defendant admits that the property is designated as E-2, but states that Wireless Communications Facilities Ordinance speaks for itself.

27.

Defendant admits the allegations of Paragraph 27 of Plaintiff's Complaint.

28.

Defendant states that its ordinances speak for themselves and denies all remaining allegations and attempts to define same in Paragraph 28 of Plaintiff's Complaint.

29.

Defendant admits the allegations of Paragraph 29 of Plaintiff's Complaint.

30.

Defendant admits the allegations of Paragraph 30 of Plaintiff's Complaint.

31.

Defendant admits the allegations of Paragraph 31 of Plaintiff's Complaint.

32.

Defendant admits the allegations of Paragraph 32 of Plaintiff's Complaint.

33.

Defendant admits the allegations of Paragraph 33 of Plaintiff's Complaint.

286

34.

Defendant admits that Plaintiff submitted a proposed plan to shield ancillary facilities, but denies any and all further allegations of Paragraph 34 of Plaintiff's Complaint.

35.

Pursuant to information and belief, Defendant admits the allegations of Paragraph 35 of Plaintiff's Complaint.

36.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 36 of Plaintiff's Complaint.

37.

Defendant is without specific knowledge and information to either admit or deny the allegations of Paragraph 37 of Plaintiff's Complaint.

38.

Defendant denies the allegations of Paragraph 38 of Plaintiff's Complaint.

39.

Defendant admits the allegations of Paragraph 39 of Plaintiff's Complaint.

40.

Defendant admits the first three sentences and last two sentences of Paragraph 40 of Plaintiff's Complaint, but is without specific knowledge or information to either admit or deny any of the remaining allegations as the allegations contain undefined terminology such as "completed growth and

development” and “mature tree coverage and vegetation.”

41.

Defendant states that the ordinance speaks for itself and denies all other allegations and attempts to define the ordinance as set forth in Paragraph 41 of Plaintiff’s Complaint.

42.

Defendant admits the allegations of Paragraph 42 of Plaintiff’s Complaint.

43.

Defendant admits the allegations of Paragraph 43 of Plaintiff’s Complaint.

44.

Defendant admits the allegations of Paragraph 44 of Plaintiff’s Complaint.

45.

Defendant states that the Planning Staff’s Analysis speaks for itself and denies all other allegations and attempts to define or interpret the allegations of Paragraph 45 of Plaintiff’s Complaint.

46.

Defendant states that the Planning Staff’s Analysis speaks for itself and denies all other allegations and attempts to define or interpret the allegations of Paragraph 46 of Plaintiff’s Complaint.

47.

Defendant states that the Planning Staff’s Analysis speaks for itself and is without knowledge or

288

information to either admit or deny the remaining allegations of Paragraph 47 of Plaintiff's Complaint.

48.

Defendant admits the allegations of Paragraph 48 of Plaintiff's Complaint.

49.

Defendant admits the allegations of Paragraph 49 of Plaintiff's Complaint.

50.

Defendant denies the allegations of Paragraph 50 of Plaintiff's Complaint.

51.

Defendant denies the allegations of Paragraph 51 of Plaintiff's Complaint.

52.

Defendant denies the allegations of Paragraph 52 of Plaintiff's Complaint.

53.

Defendant admits the allegations of Paragraph 53 of Plaintiff's Complaint.

54.

Defendant denies the allegations of Paragraph 54 of Plaintiff's Complaint.

55.

Defendant denies the allegations of Paragraph 55 of Plaintiff's Complaint.

289

56.

Defendant admits that the letter and testimony was presented, but denies all remaining allegations concerning the evidence as set forth in Paragraph 56 of Plaintiff's Complaint.

57.

Defendant admits the allegations of Paragraph 57 of Plaintiff's Complaint.

58.

Defendant admits that Plaintiff's representative made a presentation regarding availability of other sites, but denies all remaining allegations concerning the evidence as set forth in Paragraph 58 of Plaintiff's Complaint.

59.

Defendant admits the allegations of Paragraph 59 of Plaintiff's Complaint.

60.

Defendant admits the allegations of Paragraph 60 of Plaintiff's Complaint.

61.

Defendant admits the allegations of Paragraph 61 of Plaintiff's Complaint.

62.

Defendant admits that Plaintiff's representative spoke about diminution in property values, but denies all remaining allegations concerning the evidence as set forth in Paragraph 62 of Plaintiff's Complaint.

290

63.

Defendant denies the allegations of Paragraph 63 of Plaintiff's Complaint.

64.

Defendant admits the allegations of Paragraph 64 of Plaintiff's Complaint.

65.

Defendant denies the allegations of Paragraph 65 of Plaintiff's Complaint.

66.

Defendant denies the allegations of Paragraph 66 of Plaintiff's Complaint.

67.

Defendant denies the allegations of Paragraph 67 of Plaintiff's Complaint.

68.

Defendant denies the allegations of Paragraph 68 of Plaintiff's Complaint.

69.

Defendant admits that citizens spoke against the proposed facility, but states that the minutes of the meetings speak for themselves and deny all allegations and attempts to define or interpret same as set forth in Paragraph 69 of Plaintiff's Complaint.

70.

Defendant states that the minutes of the meetings speak for themselves, as well as the ordinances, and deny all allegations and attempts to define or interpret same as set forth in Paragraph 70 of Plaintiff's Complaint.

291

71.

Defendant denies the allegations of Paragraph 71 of Plaintiff's Complaint.

72.

Defendant denies the allegations of Paragraph 72 of Plaintiff's Complaint.

73.

Defendant denies the allegations of Paragraph 73 of Plaintiff's Complaint.

74.

Defendant admits that the Application was denied, but deny all remaining allegations of Paragraph 74 of Plaintiff's Complaint.

75.

Defendant admits that a letter was issued, but denies all remaining allegations of Paragraph 75 of Plaintiff's Complaint.

76.

Defendant denies the allegations of Paragraph 76 of Plaintiff's Complaint.

77.

Defendant is without specific information to admit or deny the allegations of Paragraph 77 of Plaintiff's Complaint.

78.

Defendant denies the allegations of Paragraph 78 of Plaintiff's Complaint.

292

79.

Defendant states that the minutes of the meeting speak for themselves and deny all remaining allegation and attempts to define or interpret same as set forth in Paragraph 79 of Plaintiff's Complaint.

80.

Defendant denies the allegations of Paragraph 80 of Plaintiff's Complaint.

81.

Defendant denies the allegations of Paragraph 81 of Plaintiff's Complaint.

82.

Defendant denies the allegations of Paragraph 82 of Plaintiff's Complaint.

83.

Defendant denies the allegations of Paragraph 83 of Plaintiff's Complaint.

84.

Defendant admits that the Application has been denied and Plaintiff cannot build its structure as requested, but denies all remaining allegations of Paragraph 84 of Plaintiff's Complaint.

85.

Defendant denies the allegations of Paragraph 85 of Plaintiff's Complaint.

86.

Defendant denies the allegations of Paragraph 86 of Plaintiff's Complaint.

293

87.

Defendant denies the allegations of Paragraph 87 of Plaintiff's Complaint.

COUNT I - VIOLATION OF THE
TELECOMMUNICATIONS ACT

(DECISION NOT SUPPORTED BY
SUBSTANTIAL EVIDENCE)

88.

Defendant incorporates its defenses and all responses to Paragraphs 1 through 87 as set forth fully herein.

89.

Defendant states that the laws speak for themselves and contain many more provisions than those selected by Plaintiff.

90.

Defendant states that the laws speak for themselves and contain many more provisions than those selected by Plaintiff.

91.

Defendant admits the allegations of Paragraph 91 of Plaintiff's Complaint.

92.

Defendant denies the allegations of Paragraph 92 of Plaintiff's Complaint.

93.

Defendant denies the allegations of Paragraph 93 of Plaintiff's Complaint.

294

94.

Defendant denies the allegations of Paragraph 94 of Plaintiff's Complaint.

95.

Defendant denies the allegations of Paragraph 95 of Plaintiff's Complaint.

96.

Defendant denies the allegations of Paragraph 96 of Plaintiff's Complaint.

COUNT II - VIOLATION OF THE
TELECOMMUNICATIONS ACT

(PROHIBITION OF WIRELESS SERVICES)

97.

Defendant incorporates its defenses and all responses to Paragraphs 1 through 96 as set forth fully herein.

98.

Defendant denies the allegations of Paragraph 98 of Plaintiff's Complaint.

99.

Defendant denies the allegations of Paragraph 99 of Plaintiff's Complaint.

100.

Defendant denies the allegations of Paragraph 100 of Plaintiff's Complaint.

101.

Defendant denies the allegations of Paragraph 101 of Plaintiff's Complaint.

COUNT III - VIOLATION
OF THE TELECOMMUNICATIONS ACT
(UNREASONABLE DISCRIMINATION
AMONG PROVIDERS OF FUNCTIONALLY
EQUIVALENT SERVICES)

102.

Defendant incorporates its defenses and all responses to Paragraphs 1 through 101 as set forth fully herein.

103.

Defendant denies the allegations of Paragraph 103 of Plaintiff's Complaint.

104.

Defendant denies the allegations of Paragraph 104 of Plaintiff's Complaint.

105.

Defendant denies the allegations of Paragraph 105 of Plaintiff's Complaint.

106.

Defendant denies the allegations of Paragraph 106 of Plaintiff's Complaint.

107.

Defendant denies the allegations of Paragraph 107 of Plaintiff's Complaint.

GENERAL DENIAL

All remaining allegations and inferences in Plaintiff's Complaint are denied. In addition, Plaintiff is not entitled to any of the relief requested in his prayers.

WHEREFORE, having fully answered, the Defendant prays that Plaintiff's Complaint be dismissed with all costs cast upon the Plaintiff.

This 7th day of June, 2010.

CAROTHERS & MITCHELL, LLC

/s/ Richard A. Carothers

Richard A. Carothers
Georgia Bar No. 111075
Regina Benton Reid
Georgia Bar No. 006630

Attorneys for Defendant
City of Roswell

1809 Buford Highway
Buford, Georgia 30518
(770) 932-3552

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CIVIL ACTION FILE
NO. 1:10-CV-1464-RWS

T-MOBILE SOUTH, LLC

Plaintiff,

v.

CITY OF ROSWELL, GEORGIA,

Defendant.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date electronically filed the foregoing ANSWER AND DEFENSES OF DEFENDANT CITY OF ROSWELL, GEORGIA with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Scott E. Taylor, Esq.
J. Tucker Barr, Esq.
Arnall, Golden, Gregory, LLP
171 17th Street, NW, Suite 2100
Atlanta, Georgia 30363

I further certify pursuant to L.R. 7.1D that the above-titled document complies with L.R. 5.1B and was prepared using a 14 point Times New Roman font.

This 7th day of June, 2010.

CAROTHERS & MITCHELL, LLC

/s/ Richard A. Carothers

Richard A. Carothers
Georgia Bar No. 111075
Attorneys for Defendant
City of Roswell

1809 Buford Highway
Buford, Georgia 30518
(770) 932-3552

299

Roswell Neighborhoods
Against Cell Towers

Exhibit 6

Current Alternatives to Proposed Tower

“Cellular repeater”

From Wikipedia, the free encyclopedia
(Redirected from Wireless cellular repeater)

This page was last modified on
25 February 2010 at 10:30.

This article does not cite any references or sources. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. *(December 2009)*

The examples and perspective in this article may not represent a worldwide view of the subject. Please improve this article and discuss the issue on the talk page.

A cellular repeater, cell phone repeater, or wireless cellular signal booster, a type of bi-directional amplifier (BDA) as commonly named in the wireless telecommunications industry, is a device used for boosting the cell phone reception to the local area by the usage of a reception antenna, a signal amplifier and an internal rebroadcast antenna. These are similar to the cellular broadcast towers used for broadcasting by the network providers, but are much smaller, usually intended for use in one building. Modern cellular repeater amplifiers rebroadcast cellular signals inside the building. The systems usually use an external, directional antenna to collect the best cellular signal, which is then transmitted to an amplifier unit which amplifies the signal, and re-transmits it locally, providing significantly improved signal strength. The more advanced models often also allow multiple cell phones to use the same repeater at the same time, so are suitable for commercial as well as home use.

expected to grow rapidly over the coming years, particularly in the USA. This is due to the combination of the poor network coverage in some areas, and the large scale departure from the land-line system. The CTIA (Cellular Telecommunications & Internet Association) had predicted that by 2007 30% of phone users in the US would be mobile only—more than 60 million lines. This combined with the low population density (compared with Europe and Japan); the fact that only 41% of the US population is urban ^[citation needed]; the low cell site density; and the fact that the cell network is split into over ten major providers ^[citation needed] means that many people will have to use some method to improve their home signal.

Other advantages of cellular repeaters include an increase in the cell phone's battery life and a lower level of radiation emitted by the handset—both caused by the lower power required to broadcast the signal to the local bi-directional amplifier, due to its proximity to the phone.

Contents [hide]

- 1 Typical components
 - 1.1 External rebroadcast antenna
 - 1.2 Internal rebroadcast antenna
 - 1.3 Signal amplifier
- 2 Reasons for weak signal
 - 2.1 Rural area
 - 2.2 Building construction material
 - 2.3 Building size
 - 2.4 Multipath interference
 - 2.5 Diffraction and general frequencies
- 3. Different operating frequencies
- 4 Approval in the USA by the FCC
- 5 See also

Typical components [\[edit\]](#)**External directional antenna** [\[edit\]](#)

Although some of the less expensive models do not include an external directional antenna they are crucial to providing significant signal strength gain. This is because the antenna can be oriented and located outside to provide the best possible signal, usually aligned with the nearest cell tower. Generally speaking the larger the external antenna the better the signal—although even a small, correctly oriented external antenna should provide better signal than the internal antenna on any cell phone. These can either be fitted by professionals or will include a signal strength monitor for easy alignment.

Internal rebroadcast antenna [\[edit\]](#)

The better systems will generally include an internal monopole antenna (although the type of antenna is far from standardised) for rebroadcasting the signal internally—the advantage of using a monopole antenna is that the signal will be equally distributed in all directions (subject, of course, to attenuation from obstacles). Because all radio antennas are intrinsically polarized, cell phones perform best when their antennas are oriented parallel to the booster's antenna—although within reasonable proximity the booster's signal will be strong enough that the orientation of the cell phone's antenna will not make a significant difference in usability.

Signal amplifier [\[edit\]](#)

All models will include a signal amplifier. Even the cheaper home-use models (typically band selective) now provide 20dB—50dB gain and many of the more expensive models provide over 50dB. Excellent high-

power models (not home usage—smart and expensive technology of the operators) offering gain around 100dBm (ICE function is welcomed as a improvement of the radio isolation between donor and service antenna). However, it should be noted that since the decibel scale is measured on a logarithmic scale a 30dB gain represents a one thousandfold signal power increase—meaning the total amplification of a repeater with greater than around 50dB is likely to be useless without a good, well aligned antenna. This is due to the difficulty of filtering the correct signal out from the background noise, which will be amplified equally, and the limiting maximum signal power of the amplifier (for picorepeaters typically from around 5 dB m (3.2 mW)). Standard GSM channel selective repeater (operated by telecommunication operators for coverage of large areas and big buildings) has output power around 2W, high power repeaters (e.g. NodeG from Andrew) offering output power around 10W). The power gain is calculated by the following equation:

$$P_{dB} = 10\log_{10}\left(\frac{P}{P_0}\right)$$

For repeater is needed to secure sufficient isolation between donor and service antenna. When the isolation is lower than actual gain + reserve (typically 5-15dB) then repeaters is in loop oscillation. Also cheap models are equipped by automatic gain reduction in case of poor or weak isolation. In case of poor isolation the device works but with low gain.. and coverage is poor. The isolation is possible to improve by antenna type selection, in macro environment by angle between donnor and service antenna (ideally 180°), space separation (typically vertical distance in case of the tower installation between donnor and service antenna is several meters),

inserting of the attenuating environment (smart placement of the donor and service antenna e.g. between donor and service antenna is wall.. placement of the metal mesh), reduction of reflections—in front of the donor antenna no near obstacle (like tree, metal-sheet building, glasshouse, house ..) Isolation can be also improved by integrated feature called ICE (interference cancellation equipment) offered in some products (e. g. NodeG, RFWindow,..). Activating of this feature has negative impact to internal delay (higher delay=> prox. +5us up to standard rep. delay) and consequently to shorter radius from donor site, where could be repeater used.

By amplification and filtration there is some delay (typically between 5us to 15us). It depends on the type of repeater and used features. Additional delay from point of view of propagation means additional distance. Because of the cellular network has form principle reduced cell size (depends on the technology and activated features typically X*10 km (for standard GSM 20 km..).. usage of repeater virtually moving user to bigger distance: radio distance = real distance + (repeater delay)*3.3 km (delay of RF signal in air is 3.3us/km). It is reason why somewhere with sufficient levels repeater doesn't work. After repeating you have better (or excellent) coverage but you can't access to network! User is from network point of view too far..

There is also problem with noise amplification (especially in UL) and desensitization of the donor site.

Amateur installation of the pico/mini repeaters can be harmful for many reasons:

- Poor choice of donor site may not improve signal
- Using the wrong antenna and improperly installing the repeater without paying attention

to minimizing interference (e.g. installing the repeater in a higher place than necessary, being shaded by buildings (e.g. by wall installation or suppression of side/back lobes by chimney, etc.)) and without sense to donor site selection.

- Use of a poor device for signal generation, causing noise and inter-modulation products.
- Repeating only part of the band, such as in cases where the operator is using wider band (e.g. EGSM) or more bands and the repeater does not support EGSM or is only for 900GSM. Operators can operate also EGSM or GSM900+GSM1800 layers with single BCCH (Siemens (SAG) commonly supports the BCCH feature. In the case of improper repeater support, many calls may drop).

Reasons for weak signal [\[edit\]](#)

Rural areas

In many rural areas the housing density is too low to make construction of a new base station commercially viable. In these cases it is unlikely that the service provider will do anything to improve reception, due to the high cost of erecting a new tower. As a result, the only way to obtain strong cell phone signal in these areas is usually to install a home cellular repeater. In flat rural areas the signal is unlikely to suffer from multipath interference, so will just be heavily attenuated by the distance. In these cases the installation of a cellular repeater will generally massively increase signal strength just due to the amplifier, even a great distance from the broadcast towers.

Building construction material [edit]

Some construction materials very rapidly attenuate cell phone signal strength. Older buildings, such as churches, which use lead in their roofing material will very effectively block any signal. Any building which has a significant thickness of concrete or amount of metal used in its production will attenuate the signal. Concrete floors are often poured onto a metal pan which completely blocks most radio signals. Some solid foam insulation and some fiberglass insulation used in roofs or exterior walls has foil backing, which can reduce transmittance. Energy efficient windows and metal window screens are also very effective at blocking radio signals. Some materials have peaks in their absorption spectra which massively decrease signal strength.

Building size [edit]

Large buildings, such as warehouses, hospitals and factories, often have no cellular reception further than a few meters from the outside wall. Low signal strength is also often the case in underground areas such as basements and in shops and restaurants located towards the centre of shopping malls. This is caused by both the fact that the signal is attenuated heavily as it enters the building and the interference as the signal is reflected by the objects inside the building. For this reason in these cases an external antenna is usually desirable.

Multipath interference [edit]

Even in urban areas which usually have strong cellular signals throughout, there are often dead zones caused by destructive interference of waves which have taken different paths (caused by the signal bouncing off buildings etc.). These usually have an

area of a few blocks and will usually only affect one of the two frequency ranges used by cell phones. This is because the different wavelengths of the different frequencies interfere destructively at different points. Directional antennas are very helpful at overcoming this since they can be placed at points of constructive interference and aligned so as not to receive the destructive signal. See Multipath interference for more.

Diffraction and general attenuation [\[edit\]](#)

The longer wavelengths have the advantage of being able to diffract to a greater degree so are less reliant on line of sight to obtain a good signal, but still attenuate significantly. Because the frequencies which cell phones use are too high to reflect off the ionosphere as shortwave radio waves do, cell phone waves cannot travel via the ionosphere. See Diffraction and Attenuation for more.

Different operating frequencies [\[edit\]](#)

Repeaters are available for all the different GSM frequency bands, some repeaters will handle different types of network such as multi-mode GSM and UMTS repeaters however dual- and tri-band systems cost significantly more. Repeater systems are available for certain Satellite phone systems, allowing the satphones to be used indoors without a clear line of sight to the satellite.

Approval in the USA by the FCC [\[edit\]](#)

Although there are some products on the market in the USA which are still pending FCC approval, they should have no problem gaining it. Although a license was originally required to broadcast at cell phone frequencies, it is legal to use the low power devices available today for home and small scale use in

commercial areas (offices, shops, bars etc.). Many models already have FCC approval.

See also [\[edit\]](#)

- Base Station Subsystem
- Cellular network
- Cell phone
- Coverage noticer
- Dead zone (cell phone)
- Coiler
- Waves

Categories: Radio electronics Mobile technology Telecommunications infrastructure

[LOGO]
A Wikimedia
Project

[LOGO]
Powered By
MediaWiki

This page was last modified on
25 February 2010 at 10:30.

Text is available under the Creative Commons
Attribution-ShareAlike License; additional terms
may apply. See Terms of Use for details.

Wikipedia® is a registered trademark of the
Wikimedia Foundation, Inc.,
a non-profit organization.

Contact us Privacy policy About Wikipedia Disclaimers

309

BARRON'S

Tech Trader Daily

News, analysis and insights from
Barron's Silicon Valley Bureau

March 24, 2010, 2:55 P.M.

[ONLINE]

**CTIA: AT&T Wants To Connect Everything
To The Internet**

By Eric Savitz

AT&T (T) wants to connect more or less everything you can think of to the Internet. The company, which has been boasting about its dominant position in the U.S. smart phone market, is one of a number of participants in this week's CTIA Wireless show in Las Vegas that expects the Internet of things to rapidly blow past the wireless Internet now dominated by mobile phones.

The strategy became clear this afternoon at a meeting this afternoon with media and analysts.

At the event, Ralph de la Vega, chief of AT&T Mobility and Consumer Markets took a victory lap in the smart phone race. Repeating a theme he touched on in a keynote address yesterday, de la Vega this afternoon noted that AT&T has 30 million 3G data subscribers in the U.S., more than any other carriers, with more than twice the number of smart phones in service than any other U.S. carrier, and customers downloading more apps than any other carriers.

Cisco CTO Padmasree Warrior earlier today predicted that there will be 1 trillion connected devices on the Internet by 2013. That view fits right in with AT&T's view of the world.

At the lunch, David Christopher, chief marketing officer for the mobility and consumer markets group, ran through some comments on the company's smart phone business, noting for instance that the company is the only carrier with offerings running on the iPhone OS, Android, Symbian, BlackBerry, Palm WebOs and Windows Mobile. (Due in part to the exclusive on the Apple (AAPL) iPhone.)

Some other key points from Christopher:

- Smart phones are 35% of AT&T handset units.
- Christopher said the company is focusing on selling more "quick messaging" phones, which accounted for 30% of units in the fourth quarter. To bring apps to those phones, the company has adopted the BREW platform from Qualcomm (QCOM), and is encouraging developers to write apps for the phones.
- This week they launched four new phones in this category, the Samsung Strive and Sunburst, and the Pantech Link and Pursuit.
- Christopher says they are "rethinking messaging," to allow embedded videos, threaded messaging, and other features to make messaging more useful.
- Another new software offering is the AT&T Address Book, for managing and backing up contacts over the Web. The service is free; starts this week on the Samsung Strive, and will be spread from there.

- Another new service launch is AT&T Locker, to upload pictures to the Web. Uploads are 35 cents a month.
- Another new service, launched today in this case, is AT&T Music, for discovering, playing and shopping for music in one place on your phone. The service is \$6.99 a month.
- Today, the company announced the 3G Microcell, a femtocell you plug into your broadband line. You get 5-bar calling, at \$19.99 a month, and there is a \$149 one-time fee for the cell. Launches in April on a phased roll out approach. *UPDATE: A clarification from AT&T: "The \$19.99/month for MicroCell is an optional calling plan that provides unlimited calls over the MicroCell for \$19.99 per month. It is not required though. MicroCell customers who don't subscribe to the \$19.99 unlimited plan are charged for calls over the MicroCell just the same as they are charged for all other cell calls, as per the plan they subscribe to."*
- Finally, he is demonstrating U-verse Mobile, a service which AT&T CEO Randall Stephenson mentioned yesterday in his keynote. The service allows you to control your DVR remotely—and watch content on your phone.

In what was clearly the more forward aspect of the presentation, Glenn Lurie, president of emerging devices, laid out with great enthusiasm the opportunities the company sees in non-phone devices.

- They think this is the next big thing in the mobility space. The idea, he says, is to “wirelessly enable everything.”

- Lurie says this is a huge opportunity. Every device, he contends, would be better if connected. The opportunity, he says, is here now.
- Over the last year they have launched service on many devices. Netbooks galore. Amazon Kindle. The Sony Reader. TomTom and Garmin connected GPS devices. Barnes & Noble Nook. Digital picture frames. And the Apple iPad.
- Other opportunities in health care, smart meters, gaming devices, tablets, digital cameras, media players. in-car telematics. He says the opportunity here is endless.
- They are launching this week third-party applications for tracking people, creatures and things, or as he puts it, tracking “people, pets and pallets.” Also using the network: a network-enabled gaming device called Zeebo, which started with a launch in developing markets.
- Another application: intelligent pill caps, to make sure you take your medication.

T today is down 27 cents, or 1%, to \$26.28.

* * *

Add a Comment

* * *

There are 2 comments

4:11 pm March 24, 2010

Nancy wrote:

If AT&T has 30 million 3G data subscribers, how many does Verizon have? And if AT&T has twice as many Smart Phones in service, how many do they and Verizon have? Anyone have those numbers per device?

Thank you. And cheers.
Nancy.

5:22 pm March 24, 2010

B2B Insights Barron's wrote:

B2B IT and Marketers: Does this type information change influence your content management/ delivery strategy?

About Tech Trader Daily

Tech Trader Daily is a blog on technology investing written from Palo Alto, California by long-time Barron's West Coast Editor Eric J. Savitz. The blog provides news, analysis and original reporting on events important to investors in software, hardware, the Internet, telecommunications and related fields. Comments and tips can be sent to: techtraderdaily@barrons.com.

* * *

Most Popular Blog Posts

- Viewed
 - Apple: Verizon To Get iPhone 4G In June, Conaccord Says
 - Apple: Citi Says Verizon Launch Delayed By Chipset Mfg Issue (Updated)
 - Citi: S&P Upgrades to “Buy”; Sell on the News?
 - Ford: Mulally’s Bullish Comments Fail to Impress
 - Geithner Talks Up Citigroup Exit, Fannie, Freddie, AIG
 - Trucking: More Signs of Life
 - Apple: Credit Suisse Pounds The Table, Ups Target To \$300
 - Citi: S&P Upgrades to “Buy”; Sell on the News?
 - Vodafone and Verizon Mull What To Do With Verizon Wireless

Featured Comments

“I’ve had APPLE stock for many years now, and each time it has split, the stock is back at the pre-split price in about 12 months. So as I see it, let it split!”

- from Let it split

On Apple Stock Split? Who Cares?

“LDK is worth \$0/share. The company is a fraud, and the CFO has been looking for a job for over...”

On LDK Drops As Q4 EPS Misses

“There are a lot of poor people in China, BUT THERE ARE ALSO A LOT OF RICH PEOPLE IN CHINA...”

On Apple: Can iPhone Conquer China?

“Expect a BOGO offer from ATT within a few months after the Pre/ Pixi launch as they try to unload their...”

On Palm To Launch Pre Plus, Pixi Plus For AT&T;
\$149.99, \$49.99

“If Steve jobs dies, all bets are off. Sorry to put it so bluntly but it’s the truth. Apple without...”

On Apple: Now #3

* * *

AP ASSOCIATED PRESS**No bars at home? AT&T to offer \$150 fix****By Peter Svensson (AP)**

Mar. 24, 2010

[ONLINE]

NEW YORK—AT&T Inc. wireless subscribers who have poor reception at home will soon be able fix that, for \$150.

The carrier said Wednesday that it is rolling out "femtocells," little boxes that work much like Wi-Fi routers, except that they send out cellular signals. When connected to the home's broadband modem, they pick up signals from the cell phones in the home and relay them through the Internet connection. In essence, they're small cell towers for the home.

Dallas-based AT&T is introducing the 3G MicroCell in mid-April in some markets, as yet unnamed. The rest of the country will follow over the next several months.

Sprint Nextel Corp. started selling femtocells for calls in 2008, and Verizon Wireless followed in early 2009. AT&T's femtocell, developed with Cisco Systems Inc., is more advanced than those, because it relays both calls and broadband data.

However, many of AT&T's most popular phones, such as the iPhone, don't need a femtocell for data access in the home, because they can use Wi-Fi.

While femtocells can help consumers, they also benefit carriers by offloading traffic from local cell towers. AT&T is adding \$2 billion to its capital budget

this year to address problems with congestion on its network, apparently caused by heavy iPhone use.

AT&T is offering two ways of reducing the price of the 3G MicroCell. New subscribers to AT&T's home broadband service get a \$50 mail-in rebate. Wireless subscribers who add a \$20-per-month option to their calling plan that gives unlimited calls through a femtocell get a \$100 rebate.

On the Net

- <http://www.att.com/3gmicrocell>

Copyright © 2010 The Associated Press. All rights reserved.

* * *

Related articles

- [AT&T Rolls Out Nationwide Femtocell Plan](#)
InformationWeek (blog) – Mar 25, 2010
- [CTIA 2010: AT&T announces 3G Mircocell technology](#)
Examiner.com – Mar 25, 2010
- [AT&T to Offer \\$149 Device to Boost Home 3G Signal](#)
Digital Media Wire – Mar 25, 2010

- AT&T Unity
- Rates & Information
- Frequently Asked Questions
- Terms & Conditions
- Network Coverage
- Exclusive Phone
- Rollover Minutes
- Web Offers
- AT&T Upgrade Advantage
- Our Technology
- 3G
- GSM
- EDGE
- Online Account Management

AT&T 3G MicroCell™

AT&T 3G MicroCell acts like a mini cellular tower in your home or small business environment. It connects to AT&T's network via your existing broadband Internet service (such as DSL or cable) and is designed to support up to four simultaneous users in a home or data applications like picture messaging and surfing the Web.

* * *

Device Features:

- Enhanced coverage indoors—supports both voice and data up to 5000 square feet

- Available unlimited minute plans—individual or FamilyTalk plans.
- 3G handset compatible—works with any AT&T 3G phone.
- Supports up to four voice or data users at once.
- Device is secure—cannot be accessed by unauthorized users, easy and secure online management of device settings
- Seamless call hand-over—start calls on your 3G MicroCell and continue without interruption, even if you leave the building.

Device Requirement:

- 3G wireless phone/ device
- Broadband service over DSL or cable
- Computer with Internet access for online registration

Additional Information:

- Installing your device near a window is strongly recommended to ensure access to Global Positioning System (GPS). A GPS link is needed to verify the device location during the initial startup.
- The 3G MicroCell device is portable. The device may be moved, provided the new location is within the AT&T authorized service area and properly registered online.

* * *

103,000	Approx. residents in Roswell
60%	Approximate percentage of cell phones per U.S. population
61,800	Expected number of Cell phone in Roswell
3%	Apparent market Share of T-Mobile in Roswell
1,854	Total T-Mobile subscribers in Roswell
39	Square miles in Roswell
1/2	Square miles impacted area
24	Approximate number of T-Mobile subscribers in impacted area
\$75	T-Mobile cost for FemtoCell (estimated)
\$1,782.69	Total T-Mobile expense to equip every customer in impacted area with service
\$139,050	Total T-Mobile expense to equip every customer in Roswell with service

**April 12, 2010, Mayor & City
Council Meeting Minutes**

The Zoning Meeting of the Mayor and City Council was held on Monday, April 12, 2010 7:30 p.m., Mayor Jere Wood was presiding.

Councilmembers Present: Councilmember Jerry Orlans, Councilmember Betty Price, Councilmember Kent Igleheart, Councilmember Rebecca Wynn, Councilmember Richard Dippolito, and Councilmember Nancy Diamond.

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Community Development Director Alice Wakefield; Planning & Zoning Director Brad Townsend; City Planner Jackie Deibel; Transportation Director Steve Acenbrak; Community Relations Manager Julie Brechbill; Community Relations Coordinator Kimberly Johnson; Building Operations Technician Doug Heieren; and Deputy City Clerk Betsy Branch.

Welcome: Mayor Wood called the meeting to order and welcomed everyone present.

Pledge of Allegiance: John Albers

Mayor Wood reminded everyone to complete and mail in their Census 2010 forms.

Consent Agenda:

- 1. Approval of March 29, 2010 Open Forum Meeting Minutes (detailed Minutes to replace Council Brief Minutes adopted on April 5, 2010) and approval of April 5, 2010 Council Brief Minutes. *Administration and Finance***

Motion: Councilmember Orlans moved for **Approval of March 29, 2010 Open Forum Meeting Minutes (detailed Minutes to replace Council Brief Minutes adopted on April 5, 2010) and approval of April 5, 2010 Council Brief Minutes.** Councilmember Wynn seconded. The motion passed unanimously.

Regular Agenda:

Community Development—Councilmember Betty Price

1. Wireless Facility - T-Mobile South, LLC., Lake Charles Drive (adjacent to 1060 Lake Charles Drive)

Councilmember Diamond recused herself at this point in the meeting stating she resides in the path of this proposed cell tower.

Planning and Zoning Director Brad Townsend stated this is a request from T-Mobile regarding a proposed alternative tower structure to be located at 1060 Lake Charles Drive; an alternative tower structure is a man-made tree, or clock, or bell steeple. This proposed tower is to be within the opinion of Council, “camouflaged compatible with the area.” The location of the proposed tower is west of Lake Charles Drive on approximately 2.8 acres; the subject property is currently vacant and zoned E-2, Single Family Residential. The proposed tower is to be constructed to represent a mono pine tree at a height of approximately 20-25 feet above the existing pine trees in the area. Photographs of existing towers of single mono pine trees were shown as well as maps indicating Roswell locations of existing cell towers, co-location towers, and the proposed cell tower location. Radio Frequency (RF) strength maps for the City of Roswell

area were shown; the location for the proposed T-Mobile alternative cell tower was identified on the RF frequency map. Aerial photographs were shown of homes which currently exist on all sides of the proposed location; setbacks from the existing property lines were identified; parcel lines were identified. It was noted that city staff received over 1,000 petition signatures and letters in opposition to this proposed cell tower.

Mr. Townsend stated staff recommends the proposed cell tower in an alternative location further west of the proposed location. The alternative location would represent the person/homeowner who would receive the greatest financial gain from the proposed cell tower, that person/homeowner would also receive the largest visual impact to the proposed tower.

Mr. Townsend stated staff recommended conditions are as follows:

1. The applicant/developer shall construct the mono-pine structure not to exceed 108 feet, located 120 feet east of the west property line and in conformance with the plans submitted to the City of Roswell Community Development Department stamped received "March 24, 2010."
2. The applicant/developer, T-Mobile shall construct a black vinyl fence with black screening so the facility equipment cannot be seen through the fence. The type of fencing shall be approved by the Roswell Design Review Board.
3. The applicant/developer, T-Mobile shall install thirty-three (33) evergreen trees around the lease area to screen the view of the structure and equipment facilities from the residential homes located to the east of the property. A

variety of evergreen trees and the placement of the trees shall be approved by the City Arborist and the Roswell Design Review Board.

Council Comment:

Councilmember Dippolito asked if the applicant had addressed staff's suggestion to move the tower. Mr. Townsend replied the applicant had not addressed the staff suggestion; that information was presented to the applicant approximately a week and a half ago. Councilmember Dippolito inquired about the height of the trees in staff's suggested alternative location. Mr. Townsend replied the trees are between 80 and 90 feet tall. Councilmember Dippolito stated regardless of where the proposed tower could be potentially located on the property, it would be "twenty eight to thirty eight feet higher than any of the trees." Mr. Townsend replied that was correct.

Mayor Wood requested City Attorney David Davidson to "advise Council on where we are as far as the system and their discretion in this matter."

City Attorney David Davidson stated the telecommunications act prohibits state or local governments from prohibiting the provision of wireless communication services or from passing regulations that have the effect of prohibiting such services. Federal law does preserve local zoning authority. The city has the ability to discuss and decide the placement, construction, and the modification of these facilities. There are limitations to that ability of the city; they cannot discriminate against certain carriers or favor a certain carrier; the city cannot make it so onerous that it actually prohibits the provision of such service. Federal courts have generally held that any ordinance that inhibits or limits the ability of any competitor to

enter into a market, violates the telecommunications act. Under City of Roswell ordinance, the city does have in its ability to decide whether the construction of a facility is aesthetically compatible to the surrounding properties; it can also decide that a height is too high. Mr. Davidson said “They do not require co-location; if they are trying to get co-location and get three carriers on this site, then obviously that is going to be a higher tower than just what T-Mobile would require.” He further stated the city in the past, favored co-location to avoid several towers popping up around the city. Mr. Davidson said provided the company can show a demonstrated need for the provision of this service in the area the Council has the authority to decide the construction, the placement, and any kind of modification to the system. A previous attempt by T-Mobile to place a tower on the city’s fire department property was rejected. T-Mobile has now come forward with another site. Mr. Davidson said there is the possibility with a denial of this site, and unless evidence shows otherwise, that it could be seen as prohibiting the provision of service. Mr. Davidson said “I have heard comments both ways that there is service here, it is just not that great, so that is something for this Council to decide, on how far they want to take this.”

Applicant:

Lannie Greene, SAI Communications, agent for T-Mobile South, LLC, stated he has thirteen years experience in site acquisition and permitting for wireless sites. Mr. Greene stated one of their first steps is to look at the zoning ordinance of the city to determine the requirements of the particular jurisdiction they are attempting to go into. In addition, they look for other structures which may be available for

co-location. Mr. Greene stated T-Mobile considered the City of Roswell Zoning Ordinance and the Master Siting Plan as they looked for a location which would meet their requirements. T-Mobile first considered the fire station property and proposed a 150-foot structure for that location; the decision was made by the city not to move forward with that location. Mr. Greene said there are still coverage needs by T-Mobile in this particular area. He noted there are some other large tracts along Shallowford Road which T-Mobile did not approach, primarily based on the development of those properties; clearing and grading would be more significant due to the way the houses sit on those properties. He noted the target areas and surrounding areas are zoned primarily residential; more people are relying on their cell phones instead of their land lines for emergencies. Mr. Greene noted the city recognizes the benefit of using NIXLE system for email notification for its residents in the event of an emergency within the City of Roswell; NIXLE would be more effective if it was available to all residents of Roswell. He noted that competition between carriers keeps the cell phone rates lower; T-Mobile would not spend the money to build this site if there was not a need.

Marquise Lewis, T-Mobile RF (Radio Frequency) Engineering, stated the determination of T-Mobile's need for this area was based on data gathered. Ms. Lewis stated T-Mobile is unable to provide reliable in-vehicle and in-building coverage in the area between Shallowford Road and Woodstock Road. Their goal with the proposed site is to provide reliable coverage to residents and workers in that area and to provide contiguous coverage to sites that are already in the network while also introducing minimal overlap; minimize the number of sites and the height of the sites built in the area. The proposed 108-foot

mono pine structure is in the center of an area of need. She stated other options were considered as were sites which were not as ideally placed. She noted that some constituents were interested in the use of a Distributed Antennae System (DAS), an alternative way to provide wireless coverage in certain areas and situations. Ms. Lewis said that the DAS would not be a viable option in this particular situation. A DAS will generally place antennas below fifty feet in height; these are low powered antennas requiring a line of sight to the antenna coverage area. The topology, terrain, and foliage in the subject area would make it very difficult to provide the line of sight. Use of existing power pole structures will not work because there are not enough above ground structures to provide the level of reliability needed to provide. Ms. Lewis stated Georgia Power has limitations on use of their structures; wooden power poles are excluded from use, which eliminates quite a few of above ground power poles in the area. She reiterated that a DAS is not a viable option for T-Mobile in this situation. Ms. Lewis stated the best solution in the 108-foot mono pine located on Lake Charles Drive.

Council comment:

Councilmember Orlans inquired if DAS is known as or is similar to a micro cell system. Ms. Lewis replied DAS is considered micro cell technology.

Councilmember Dippolito asked if DAS is not viable because T-Mobile cannot physically get it to work or is it just that it is a more costly system which would not be financially viable for T-Mobile. Ms. Lewis responded that she thought it would be more costly; she evaluates the RF aspects, from an RF perspective, the terrain and the foliage with the structures in the area would not allow the line of sight specifications needed via

DAS. Councilmember Dippolito replied “The question was, it is just not feasible to make it happen or it is just more expensive and it is something that you prefer not to do.” Ms. Lewis replied “With the current infrastructure, T-Mobile cannot achieve the level of reliability in the search area using a DAS system. It is not feasible for T-Mobile to obtain its objectives using the DAS system in this situation.”

Mr. Greene stated the DAS micro cells are more favorable in a large facility such as a mall or airport. He said the subject site fits the city’s code; the T-Mobile site will not be intrusive to the area; photo simulations show the site without leaves on the trees, which demonstrates there will be no significant impact upon the area. Property value reports could be discussed by Mr. Harris “Bo” Simpson.

Public comment:

Mike Nyden, 580 Indigo Drive, spoke on the following:

- Acknowledged the residents of various subdivisions in the Lake Charles area who helped with the preparation of presentations of Opposition to the proposed cell tower.
- Remarks regarding balloon test video, test.
- Photos of neighborhood location of proposed cell tower; existing cell towers; cell tower base stations.
- Expressed appreciation to City of Roswell employees Brad Townsend, Jackie Deibel.
- Maintaining quality of life in Roswell; impact proposed cell tower would have on neighborhood areas.

Cookie Levine, 1064 Lake Charles Drive, spoke on the following:

- Opposed to proposed cell tower.
- Appreciates Roswell's neighborhoods; need to be kept looking good.
- Offered her professional legal opinion; reviewed statutes and ordinances; agreed with City Attorney that the City of Roswell cannot reject cell towers within the city, but there is the ability of the city to control the placement, location, how constructed.

Ken Kavanaugh, 1305 Lake Charles Drive, spoke on the following:

- Opposed to proposed cell tower.
- Experience as commercial real estate consultant, broker, investor, and author.
- Telecom Act; case law supporting municipalities who have been successful in denying cell tower permits; telecom industry does not always win in court if their applications have been denied; neighborhood group has substantial evidence.
- Roswell has allowed 30 locations for communication antennas; 67 communication towers exist within a four mile radius of Lake Charles Drive, thereby eliminating the argument of prohibition of cellular service in the area.
- Adverse effect on migratory bird population.

Trudy Nyden, 580 Indigo Drive, spoke on the following:

- Opposed to proposed cell tower although she works in the telecommunications industry.
- Overview of T-Mobile history; future.

- Telecommunications Act of 1999 relates to cell phone service in cars.
- E-91 1 service; triangulation versus GPS.
- Katrina Rule pertains to the maintenance of power during a power loss event; generator(s), fuel, fuel storage not indicated on the proposed cell tower diagram but will be required when Katrina Rule is put back into effect.
- Changes in technology rapidly occur; use of micro cells will make cell towers obsolete.

Ish McQuillen, 2 Meeting Street, spoke on the following:

- Opposed to proposed cell tower although she is a T-Mobile cell phone customer.
- Refuted T-Mobile's claim of lack of service after conducting a two-hour drive study within five mile radius of proposed cell tower, no calls were dropped, service was clear.

Shari Ward, 600 Oakstone Drive, spoke on the following:

- Opposed to proposed cell tower.
- Experienced mortgage banker and appraisal background; professional opinion is that surrounding property will experience financial impact from the proposed cell tower.

Trent Orndorf, 180 Worthington Hills Trace, spoke on the following:

- Opposed to proposed cell tower; resides in another neighborhood that experienced decrease in property values just from the threat of cell tower going up in his neighborhood; blighted neighborhood impacts in the area.

Chris Buck, 325 Maycroft Court, spoke on the following:

- Opposed to proposed cell tower; lives less than 300 feet from proposed cell tower location.
- Health risks for growing children; long term impacts not studied.

Geoff Anderson, 1021 Lake Charles Drive, spoke on the following:

- Opposed to proposed cell tower; the tower would violate and do harm to the city statute to protect the health, safety, and welfare of the public, and to maintain the aesthetic integrity of the community.
- Attorney; offered to defend the City of Roswell, pro bono.

Jackie Graff, 1085 Lake Charles Drive, spoke on the following:

- Opposed to proposed cell tower.
- Concerns regarding decreased property values and possible health risks.

Kierstin Hale, 530 Waterford Way, spoke on the following:

- Lake Charles Drive construction and road closures at this time; signs posted in that area regarding proposed cell tower were not as visible.

John Albers, 530 Junction Point, spoke on the following:

- Consultant in the telecommunication industry; expertise in the technology and equipment.
- T-Mobile's chosen type of technology requires use of more towers; other carriers (Verizon and Sprint) use

different technology that allows towers to be further apart from one another.

- Significant technology changes will occur over the next couple of years.
- Valuation and sale; telecommunication companies are sold by their assets such as towers, cable, and infrastructure; the proposed cell tower will make T-Mobile's valuation higher than it is today; expects they will most likely sell in the next several years.
- Precedence created if approved.
- Opposed to proposed cell tower.

Earl Vick, resident of Roswell, spoke on the following:

- Enjoys living in Roswell.
- Expressed his appreciation to Mayor and Council for the excellent job they do for Roswell.

Applicant Rebuttal:

Mr. Greene stated he would address the concerns of the residents but would not address the case law that had been discussed. He stated photo simulations are not perfect; they were not required as part of the application. It may have been windy the day when the photo simulations were taken but he had faith that the consultant hired to do the photo simulations had the knowledge and "knew when that balloon was where it needed to be to take the photograph." Mr. Greene stated that Mr. Nyden's photograph was actually of a 150-foot tall mono pine for the fire station proposal. He further stated that the present proposal is for a 108-foot tall mono pine, to be 20 feet above the existing tree canopy. Related to staff's recommendation regarding additional plantings, Mr. Greene stated T-Mobile was willing to place a five foot buffer along the three

adjacent properties to the east. Mr. Greene added that he thought staff recommended surrounding the compound, but T-Mobile is willing to put a five foot landscape strip with Leyland Cyprus along Ms. Levine's property, and the other two properties to the east.

Mr. Greene referenced the area on a zoning map which he said was the most optimal to provide the coverage T-Mobile requires; this entire area is zoned residential from Woodstock Road to the Cobb County line and from Crossville Road to the south. Mr. Greene stated T-Mobile reviewed the City of Roswell ordinance; the ordinance states they can apply for a tower in a residential area based on certain criteria. He said the T-Mobile proposal met the criteria; certain required setbacks have been met. Mr. Greene stated the fire station site was shown on the "2003 Facilities Map" as a potential candidate. T-Mobile made the proposal but the city then decided they did want to move forward with that location. Mr. Greene said they dropped the height from that original proposal, to 108-feet. He was not aware of what Verizon or AT&T has in this area. He noted that T-Mobile still has a need for service in this area and will continue to search for a site which meets the ordinance; the NIXLE system will not work if the infrastructure is not there. Mr. Greene introduced Mr. Simpson.

Mr. Harris "Bo" Simpson, 2368 Academy Court, Atlanta, appraiser and consultant, stated he has 15 years of cell tower experience but it has constituted a small part of his business the past 10 years since the growth of the networks has not been as dramatic. Mr. Simpson explained that T-Mobile requested a study examining Fulton County cell towers, and an opinion as to whether or not cell towers have an impact on

property values. He stated residential properties sell most often and are the easiest location to try to prove or disprove whether this happens; they focused on close residential areas because they tend to be the setting where this most often comes up. Fulton County has many cell towers, over 1,000 were looked at; it was narrowed down to those which they felt were instructive, some which were close to subdivisions, some in subdivisions. Mr. Simpson stated the “perfect example for T-Mobile” is a brand new subdivision with a cell tower that can be seen from some homes and some homes from which it cannot be seen. Another example would be a brand new subdivision which is half built and half sold, and then a cell tower is built, and then the subdivision other half is built and sold. He said those examples were found; the empirical data was reviewed; it was discerned that cell towers do not have any influence on value. Mr. Simpson said “Typically residents are of the opinion that this is an obnoxious use” but his opinion is that cell towers companies go to a good bit of trouble to put them in a place that is not obnoxious and intrusive; this proposed cell tower would be an example; he offered to provide examples of cell towers and other types of towers which could easily be called obnoxious. After review of data collected and interviews with homeowners and people who buy and sell homes, their findings were that it doesn’t influence their purchase decision and does not matter, although they may have a valid opinion. Mr. Simpson stated “If you put a house up for sale and two people come along and say really don’t like that tower,’ well, there are eight more people who come along and don’t even notice it, they literally don’t notice it.” Mr. Simpson stated the proposed subject tower is to be 108-feet tall, disguised as a pine tree, which in his opinion, will have no

impact on value or appreciation rates. City staff was provided his study results.

Mr. Greene referred to a displayed photograph of a 199-foot tall self-supporting cell tower built in 2001, located on the south end of Chastain Park in Atlanta. He said evaluation studies conducted by Mr. Simpson prior to and after the tower was built showed there was no impact. Mr. Greene stated there is no blight in the Chastain Park area.

Ms. Lewis stated a comment was made that T-Mobile would be able to provide 911 services via several alternative methods. She stated using triangulation technology is not a replacement for building the new facility; T-Mobile is building the facility because they do not have adequate signal. The adjacent towers cannot serve the area; therefore, T-Mobile could not use that as a replacement to provide 911 services to constituents in the area, She stated that GPS technology was mentioned; it is not possible to request that every customer change their phone; every customer should be able to use their phone whether or not it has extra features such as UPS technology enabled on it. T-Mobile is trying to provide E-911 services and enable customers to carry a reliable call in their vehicles or in their homes. Ms. Lewis referring to a resident's conducted drive test, stated there are many variables which can come into play. She stated that T-Mobile is aware of their need; they cannot provide service up to its standard in vehicles and homes in the subject area they are designing for; length of calls; different access thresholds for live network, interference, other towers come into play. She reiterated that T-Mobile has a need in this area and is well within the FCC standards for "MPE compliance" with this facility. Ms. Lewis

referring to the statement regarding inferior technology stated “T-Mobile is on the cutting edge of technology; in fact, T-Mobile is deploying UMTS technology nationwide and that is very close to the technology that is used by Verizon and Sprint.” Ms. Lewis stated “It is not the technology, there are so many different factors that come into play.” She mentioned they are limited to the frequencies that are licensed to T-Mobile and could not really speak about Verizon’s or Sprint’s network.

Council comment:

Councilmember Dippolito said he thought he had read about micro cell service through T-Mobile. Ms. Lewis stated T-Mobile does provide micro cells but it depends on the situation; T-Mobile does provide DAS depending on the particular situation. She noted that micro cells would not be an appropriate solution for this area. Ms. Lewis further stated that the primary areas for micro cells, or distributed antenna technologies, are campus environments, very small concentrated area where there are a lot of users but there is a relative open area with no obstructions which would prevent line of sight with the antennas and an expansive area is not being covered. Councilmember Dippolito asked if micro cell and DAS technology are interchangeable, the same technology. Ms. Lewis stated that was correct, for the most part.

Mr. Greene, in summation, stated that T-Mobile submitted an application to the City of Roswell going “above and beyond your requirements” providing a very complete application and proven a need. He thanked Brad Townsend and Jackie Deibel from the Community Development department and respectfully requested approval of the application.

Council comment:

Councilmember Wynn inquired how T-Mobile would provide/guarantee continuous power for 911 service; noted the lack of generator shown on the site. Mr. Greene responded that if the City Council so desired, they could place a generator on the site. Councilmember Wynn asked what T-Mobile's policy is to ensure continuous operations of service to their customers. Mr. Greene responded that current T-Mobile policy is that they do not include generators with their sites; therefore, if the power were to go out, the site would lose power and there would be no service. He further explained that engineers would go out to the site; there would be a three hour back-up battery at the site which should provide enough time to get the site back on the air, depending on the situation. If a situation arises where there are multiple sites out of service, they could promise that they would be out there in three hours.

Councilmember Orlans stated he has served on Council for 17 years and was most impressed with the information put together by the citizens. He commented that perhaps some of it should even be forwarded on to Washington, D.C. Councilmember Orlans also complimented and thanked the applicant for the completeness of the T-Mobile application.

Councilmember Igleheart agreed that both sides did a lot of work. Councilmember Igleheart stated "apparently other carriers have sufficient coverage" and noted his concern with the capabilities of some of the various carriers; the city is not mandated to level the field for inferior technologies but is mandated to consider anything which impacts our residents. Councilmember Igleheart stated the city currently allows cell towers in C-3 and I-1, commercial and

industrial zoning; in any other zoning category, such as residential, towers are conditional requiring Council consideration of all the aspects. He stated “I think we are making a mistake to open up all the various properties throughout the city for this process. We have tried a few times to deal with that, but once again we have to work on a plan to try and deal with the quickly progressing technologies and make it to where every other neighborhood does not have to come through this yet again every few months or every few years.” He said “I do not think that it is appropriate for residentially zoned properties to have the cell towers in their locations.”

Mayor Wood noted that Councilmember Igleheart had raised a point and asked City Attorney David Davidson to discuss how the courts would respond if a city ordinance restricted cell towers in residential zones. Mr. Davidson replied the courts would be able to show that it would prohibit service in certain areas of the city because Roswell is very residential in nature. Mr. Davidson further stated “I do not think we could prohibit it from all residential zones.” Mayor Wood further stated that if the city did choose to pass such an ordinance there would be a strong possibility that our ordinance would be stricken down. The Mayor asked what would happen once the city’s ordinance was struck down. Mr. Davidson replied “Hopefully, we could enact a moratorium until we could adopt another ordinance.” Mayor Wood asked if it was correct that if the ordinance was stricken down, they could put in a cell tower without the city’s permission. Mr. Davidson replied that was correct and he would not recommend taking the action suggested by Councilmember Igleheart at this time.

Councilmember Dippolito agreed with the previous Council comments made regarding the application and stated that T-Mobile had done an admirable job with the information submitted. He said the residents went above and beyond anything which he had seen while on the City Council with concise information that seemed to be quite factual and commended them for their effort and presentation. Councilmember Dippolito said he thought it would be difficult to look at a cell tower such as this and to not consider that it would have an adverse effect impact on the residential area; it is a significant change from what is in that area. He did not think that it is compatible with the natural setting and would not support it.

Councilmember Wynn agreed with Council comments regarding the information and presentations made by the residents and the effort put into it. She noted that she has been on Council almost three years but has been a community advocate for 15 years. She agreed with Councilmember Dippolito that this proposed cell tower is not compatible with this area and said she would vote against it.

Councilmember Price thanked the applicant for the completeness of the application and expressed her appreciation to the residents. She noted that T-Mobile had not responded with an answer to Planning and Zoning Director Brad Townsend's question whether they were willing to compromise the location.

Councilmember Price stated that based on the City's ordinance Article 21.2.1, (the purpose and intent of the cell phone ordinance to protect the residential areas; to minimize the adverse impact of telecommunication towers, and to minimize the number of towers) she concluded that this would be aesthetically incompatible. This area is certainly other than a

I-1, C-3, office business or highway commercial area. In her opinion, the alternative proposed tower would not be compatible with the natural setting and surrounding structures, also due to the height being greater than the other trees. Councilmember Price stated that also based on the City's ordinance Article 21.2.4, the proximity to residential structures, the nearness to other homes, being within the residential zoning area, adjacent properties, adverse effects to the enjoyment of those neighbors, and the potential loss of resale value, among other potential parameters that are difficult to definitively assess, she would move to deny the application for the monopine tower.

Motion: Councilmember Price moved to deny the application for the **Wireless Facility monopine tower - T-Mobile South, LLC., Lake Charles Drive (adjacent to 1060 Lake Charles Drive)**. Councilmember Orlans and Councilmember Wynn seconded. The motion passed unanimously.

The remaining agenda items were called out of order.

2. RZ10-02, 1266 Minhinette Drive, site plan approval.

Planning and Zoning Director Brad Townsend stated a petition for RZ06-46 was to rezone 1266 and 1253 Minhinette Drive from R-2 to R-3A was denied by Mayor and Council on March 12, 2007. Per a court order, the City of Roswell rezoned the property located at 1266 and 1253 Minhinette Drive on May 11, 2009. A requirement of that rezoning was that any development on the property would require a site plan approval from Mayor and Council. Applicants Lew Oliver and Alfredo Ortiz submitted an application for a site plan. Mr. Townsend stated "that site plan takes the individual lot and separates it into two single-family lots." The site plan requires a minimum lot

width variance from eighty (80) to fifty-five (55) feet. The Planning Commission reviewed and approved the application at their March 16, 2010 meeting with the following two staff conditions:

1. The subject property shall be limited to two single family homes and developed in accordance with the site plan received by the City of Roswell's Community Development Department on January 27, 2010.
2. A Division Plat must be submitted and recorded with both the City of Roswell and Fulton County prior to the issuance of a grading or building permit.

Mr. Townsend identified the current area on the zoning map; an aerial photograph of the surrounding properties was displayed. The proposed site plan was displayed, identifying the fifty-five foot minimum lot width for the individual two lots. Mr. Townsend stated staff recommended approval with the two conditions as proposed.

Council comment:

Councilmember Dippolito stated the site plan only shows improvements to a portion of the property but the entire property was zoned; he asked how will this impact the remaining Betty Ann Nations' property. Mr. Townsend answered "That subject property will be required to receive site plan approval prior to their land disturbance permit, as per the zoning condition." Councilmember Dippolito asked "If the subject property uses up two of the units, then she is allowed three units on her property." Mr. Townsend replied yes, if they are able to conform with the requirements of the R-3 zoning. Mr. Townsend

* * *