



Memorandum

Date: January 10, 2023
To: Mayor Vinis and City Council
From: Sara McKinney, 541-682-8497
Subject: Testimony Submitted

Attached is testimony submitted at the Public Forum on January 23, 2023. A copy of this material is also included with the meeting materials posted on the web at:

<https://eugene.ompnetwork.org/embed/sessions/258927/city-council-meeting-january-23-2023>

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ASHLAND CONSIDERING NEW CITY ORDINANCES RESTRICTING CELL TOWER PLACEMENT

Ashland is on the cusp of becoming the first city in Oregon to adopt city ordinances giving more power to citizens (instead of to the Wireless Industry like T-mobile, AT&T and Verizon) in regards to placement and permitting process for new wireless infrastructure like cell towers. This would include so-called 5G, the fifth generation of wireless technology.

This could be a watershed moment for Oregon, opening up the possibility for other cities in the state to protect residents in similar ways.

Ashland's efforts include entering a service contract with attorney Andrew Campanelli, known for helping other cities adopt fair ordinances that require more accountability from wireless corporations.

It is important to note that while early stages of 5G are present in Ashland as of January 2023, the full-feature set has yet to roll out. This includes additional frequencies of microwave radiation and 'small cell' towers placed on light poles or otherwise very close to the ground every few blocks in residential and commercial parts of the city.

New city ordinances to be recommended by Mr. Campanelli would restrict wireless companies from the carte-blanche permissions they currently experience when placing new infrastructure.

Oregon for Safer Technology recently submitted a rebuttal to clarify and refute some of the information found in a recent Ashland.news article (read it [here](#)) . We hope the rebuttal will be published in Ashland.news soon but want to share it here for your consideration.

January 6, 2023

'5G IS HERE' SAY ASHLAND OFFICIALS WITH TELECOM ORDINANCE PENDING

City has negotiated a contract to retain New York attorney to regulate 5G antenna installations

By Stephen Floyd, Ashland.news

Ashland officials say writing of a potential ordinance by a private New York lawyer to regulate cell antennas will not prevent 5G coverage, despite calls for a 5G ban by advocates who pushed the city to hire the attorney.

5G, which stands for fifth generation, refers to a more robust cell phone technology that in early 2022 was still starting to offer service nationally. Besides faster speeds, the network promises reduced signal lag, improving performance for some services. The cell technology is separate from Wi-Fi technology.

During the Jan. 3 Ashland City Council meeting, Acting City Attorney Doug McGeary said, as he has negotiated a service contract with attorney Andrew Campanelli, Campanelli has made clear a potential ordinance cannot go so far as to prevent 5G towers from being built, and instead would regulate how they are installed.”

“(Campanelli’s) admitting that the ways the ordinances are drafted in his particular model doesn’t prevent something from coming here, being 5G, because that is a technology that’s going to be here,” said McGeary. “It’s just a matter of managing its implementation, I suppose, in terms of how it is put into the city, and how it’s handled.”

The city has been pursuing Campanelli’s services since receiving pushback in October against an ordinance drafted by McGeary that would regulate the appearance of telecommunications equipment within public rights of way based on language drafted by the League of Oregon Cities (LOC). Opponents of 5G coverage lobbied the council to hire Campanelli to draft an ordinance they said would go further and preserve local control, and McGeary said Jan. 3 a first draft is not expected until sometime in February if the city finalizes a contract with Campanelli.

Councilor Gina DuQuenne has said she favors pursuing Campanelli’s services in order to craft an ordinance specific to Ashland’s needs. On Jan. 3, she said 5G is already a reality in Ashland and its rollout is not up for debate.

“5G is here,” said DuQuenne, “and so many people aren’t aware. They think that this is still up in the air and it’s debatable. It’s a moot point.”

Coverage maps published by AT&T and T-Mobile show 5G signals already extend throughout most of the city limits and into nearby unincorporated areas of Jackson County. 5G uses higher-frequency radio waves than prior generations, allowing for faster download speeds but with weaker signals that require a greater number of antennas for high-speed coverage within an area.

Concerns about 5G persist

This proliferation of antennas is one of the reasons opponents of 5G are concerned, as recent rulings by the FCC have blocked the ability of local governments to impose zoning restrictions on the placement of cell towers. The October ordinance presented by McGeary addressed this problem by regulating the appearance of cell antennas to match nearby architectural and natural features, so if they crop up around town they can at least blend in, as was the recommendation of LOC.

Critics said this ordinance did very little to protect Ashland from being overrun by telecommunications hardware, and urged the city to hire Campanelli because of his promise of an ordinance that developers would struggle to circumvent. Kelly Marcotulli, a founding member of anti-cell tower group Oregon for Safer Technology and one of the residents who have pressed for Campanelli's involvement, said Jan. 3 if Campanelli's ordinance would not ban 5G it may at least help retain local control.

"We, the city, have the right to determine our exposure to microwave radiation, and not the telecom companies, nor the FCC, which is a captured agency basically bought and paid for by the lobbyists who go to Washington to buy influence," said Marcotulli. "We have a right to establish safety protocols for our citizens, and not the profiteering corporations who relentlessly push their agenda upon us."

Local researcher and advocate Mirian Reed has also pushed for a 5G-free Ashland and said, if 5G is already a local reality, the city should look into high-speed fiber optic internet as an alternative.

"I would urge the city to set up perhaps with volunteers, with public volunteers, where we can educate the public about the advantages of hardwiring with fiber optics," said Reed. "... It could be more efficient, it could bring more money into us, and it could give better internet service to each and everyone here in Ashland."

Fiber-optic advocates have been central to Ashland's discussions about telecommunication regulations, with the city receiving a presentation during public comment Oct. 17, 2022, from Odette Wilkens, president and general counsel for Wired Broadband Inc., based in Stonewall, La. Wilkens was among voices pushing for Campanelli, and shared videos he produced criticizing the influence of telecom giants and encouraging municipalities to take action.

Following her presentation, city officials expressed a desire for tighter regulations and a desire to discuss the issue more deeply.

"We want to get the tightest ordinance we can get with the most amount of local control," said Mayor Julie Akins Oct. 17, adding the decision to table McGeary's ordinance was not a slight to the city attorney but in the interest of pursuing regulations that were the right fit for the city.

In search of 'snake oil'?

While a contract with Campanelli is pending, some citizens have refuted opposition to 5G, with resident Ian Cropper going so far as to accuse Campanelli of using fearmonger tactics to market unnecessary and expensive legal services.

"After looking into Mr. Campanelli, it seems his business model is based on finding small towns anxious about their rollout of 5G and telling them, 'Don't trust your local administrators, trust me instead. I'm the only one

who really knows what's going on,” said Cropper. “He sounds to me like a snake oil salesman, and we are jumping in line.”

Cropper said Ashland already has an attorney and a draft ordinance ready to vote on, and a budget crisis that doesn't need additional expenditures, and urged officials to stop pursuing the New York attorney. He also said Campanelli is unlikely to take an impartial approach to any potential ordinance, noting the attorney's website, anticelltowerlawyers.com, shows undue bias in its name alone and should be “an immediate disqualifier.”

Prospective resident Sascha Skye, who said she is looking for a home in Ashland, spoke more to the science behind 5G technology. A graduate of Oregon Tech with a degree in satellite technology, Skye said she understands the concerns of residents who are afraid of health risks, but said 5G is based on radio technology that has been in use for more than a century and there has been no data during that time showing a spike in related illnesses, even during the 30-year history of cell phones.

“I think the reason, in my personal opinion, why we're not having a lot of studies come out, isn't because people aren't concerned, but because the scientific evidence of what radio frequencies can and cannot do has already been established,” she said, noting 5G frequencies are non-ionizing and do not penetrate human tissue in the same way as x-rays and other forms of radiation that can cause serious illness.

Campanelli defends his work

Campanelli was asked by AshlandNews how he would respond to public accusations of selling snake oil. He said the question was “humorous, but not to be taken seriously.”

“In 30 years of practice, I've never heard of that term being used in connection with myself or the services I have been providing for three decades,” he said.

Campanelli said the differences between the ordinances he creates and general language produced for municipalities is “vast,” and said the details were too numerous to specify in an email as they normally take the form of ordinances dozens of pages long.

“These differences mean the difference between a local wireless ordinance which is so easy for site developers to defeat that it is virtually meaningless, and an ordinance which vests a local government with the power to exercise meaningful control over the placement of, and number of, wireless facilities within their jurisdiction,” he said.

When asked if there were ways his ordinance would account for the existing presence of 5G coverage in Ashland, Campanelli said “there are many, but again, not something I can answer in a sentence or two.”

He said tight local regulations are important because developers are so eager to deploy a large and powerful network they are concerned more about inexpensive sites than unobtrusive locations. He said the municipalities who have hired him to ensure local control did so to retain “the maximum powers preserved to them by Congress” and not out of fear.

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Jan. 9 update: Spelling of Odette Wilkens last name corrected.