

City of Parma Heights

6281 Pearl Road

Parma Heights, Ohio 44130-3084

884-9600

Fax: (216) 884-1802

PAUL W. CASSIDY
MAYOR
C. ANTHONY STAVOLE
DIRECTOR OF LAW
TERRENCE B. HICKEY
DIRECTOR OF FINANCE
JOSEPH A. TAL
DIRECTOR OF PUBLIC SERVICE
SCOTT DAVID
DIRECTOR OF PUBLIC SAFETY
WILLIAM J. LITTEN
DIRECTOR OF RECREATION
WILLIAM S. SHARKIN
DIRECTOR OF PERSONNEL

COUNCIL
ROBERT F. SPADA, PRESIDENT
KENNETH A. LEAR
JAMES J. PASTOR
NICK RADLICK
RICHARD L. ROB
JOSEPH E. SEBES
ROBERT M. VERDILE

December 31, 1996

EXHIBIT II

Mr. John T. Kelly
National Park Service
15 States Street
Boston, Mass. 02109

RE: City of Parma Heights Wireless Communications Site
Nathan Hall Park

Dear Mr. Kelly:

While you are evaluating our request for permission to erect a monopole at the above-referenced site I am enclosing the following additional items that may be helpful to you:

1. Ordinance No. 1996-21 (an Ordinance Establishing Regulations for the Placement of Wireless Communications Towers and Wireless Communications Antennae)
2. Zoning Map of the City of Parma Heights.

As you are aware public objection to the placement of the Towers is very limited under the Telecommunications Act.

Please note that the ordinance requires the use of the City parks in lieu of the residential neighborhoods.

Considering the residential make-up of the City of Parma Heights the above ordinance was designed so that the residential areas would be free from the placement of Communications Towers while at the same time the development of the communications industry would not be hindered.

On the zoning map of the City of Parma Heights I have hi-lited in yellow the various public parks devoted for recreational purposes. The reservoir site is used via a lease with the City of Cleveland. The other parks are City owned.

Using the parks will enable the communication industry to have a tower which is more distant from any residential district than the height of the tower and antenna. (See Section 2 of Ordinance No. 1996-21)

All towers erected in the City Parks will be owned by the City of Parma Heights. Space on the Towers will then be leased to organizations, whether public or private, requiring a pole attachment for communication purposes.

At this point I am not sure that an erection of a Tower which is owned by the City of Parma Heights would constitute a breach of Section 3 of the Quit Claim Deed of August 22, 1971 to the City of Parma Heights by the Department of the Interior. I merely offer this for discussion should it be helpful in your evaluation of all of the factors presented previously and in this letter.

I am advising that on June 5, 1996, Centerior Energy appeared before the Parma Heights Planning Commission for the consideration of a 190' monopole for the corner of Orchard Boulevard and Pearl Road in the City of Parma Heights. I believe there was some type of joint venture between Centerior Energy and/or AT & T and/or Ameritech. This suggested location was in close proximity to residential dwellings. (See Zoning Map)

Subsequent to the presentation for the erection of the 190' monopole the City adopted Ordinance No. 1996-21 which appeared to be a reasonable compromise and which would protect the public's interest.

As you are aware the Telecommunications Act of 1996 provides that local zoning requirements may not prohibit or have the effect of prohibiting the provision of wireless telecommunications service.

Thus the denial of the City's request to place the Tower at Nathan Hale Park in a location which would not interfere with the usage of the park for recreational purposes may well put the City in the position of being accused of passing local zoning requirements which may have the effect of prohibiting the provision of wireless telecommunications service. The net effect of such a challenge, if successful, would result in AT & T or some other carrier placing its facilities at some location such as the corner of Orchard Boulevard and Pearl Road. This location adjoins residential dwellings.

It is apparent that the best location for the installation of the Tower is at the Nathan Hale site.

As an aside the City is currently ready to enter into a lease for the construction of a Tower in the Greenbiar Commons, a City owned park. The Tower will be approximately 190' in height and will meet the communications requirements for the City of Parma Heights' safety forces, GTE, Ameritech and AT & T.

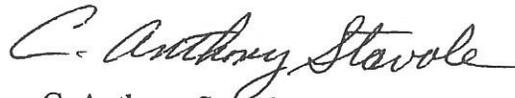
We trust that your department will assist us in meeting the spirit of the Telecommunications Act of 1996 while at the same time protecting the interests of the public.

In my letter of November 4, 1996, I submitted drawings to demonstrate that the location of the Tower would not interfere with any future development of the entire Nathan Hale recreational complex.

As I indicated to you in my letter of October 24, 1996, the City, in the fiscal year of 1996, will have expended \$190,000 for the development in irrigation of the fields at Nathan Hale Park. We would prefer not to be required to use all of the revenue derived from a Tower lease for the Nathan Hale soccer facilities, but would rather use does funds for the use of other recreational requirements in the City of Parma Heights. The City's Charter requires that an amount not to exceed one(1) mill may annually be levied for the purpose of paying the expense of recreation and providing recreational facilities. The City would be agreeable to using the revenue derived from the rental of space on the City's Tower for the use of all of the recreational facilities in the City of Parma Heights.

I sincerely hope the foregoing will address your concerns and prior to my discussing this matter further with Mayor Paul W. Cassidy, I would appreciate any input you can give me with respect to the foregoing information which I am submitting to you.

Cordially,



C. Anthony Stavole
Director of Law

Enclosure
CAS:ks