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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: May 18, 2023

RE: **REPORT RELATED TO CELLULAR TOWERS ON DPSCD PROPERTY**

Council President Mary Sheffield requested that the Legislative Policy Division (LPD) draft a report answering various questions related to the placement of cellular towers on Detroit Public Schools Community District (DPSCD) property.

How many schools are outfitted with cellular towers?

In Superintendent Vitti's email response, he stated that "twenty-one (21) schools are outfitted with cell towers. Two campuses have two towers." He also provided a list of the schools, which are:

1. ***Bennett***
2. ***Carver***
3. ***Cerveney/JR King***
4. ***Crary/Adult Ed West***
5. ***Davison***
6. ***Denby***
7. ***Lawton***
8. ***Mackenzie***
9. ***Mumford***
10. ***Northwestern (AT&T)***
11. ***Northwestern (MetroPCS)***
12. ***Oakman***

13. *Osborn*
14. *Renaissance (2007)*
15. *Burton*
16. *EEVP/Finney*
17. *Emerson*
18. *Pasteur*
19. *PRMX/Halley*
20. *Renaissance (2015)*
21. *Trix*
22. *Vernor*
23. *Wayne*

At a school board meeting on April 18, 2023, Superintendent Vitti stated that DPS/DPSCD currently has 29 contracts with cell phone companies. In response to an inquiry about why there are only 23 towers for 29 contracts, Vitti stated that “not all campuses with contracts are outfitted with cell phone towers.”

How was the decision made to allow placement of these towers?

Superintendent Vitti stated that “tower contracts were authorized under Emergency Management prior to the elected, empowered School Board taking office in 2017 and the current Superintendent being appointed. Dr. Vitti and the School Board approved additional contracts after that point.”

At a school board meeting on April 18, 2023, Vitti stated that 15 towers were installed in 2014-2015 under emergency management. The contract was with a company called Crown Castle. That contract runs through 2067 and was for a one-time payment of about \$6.8 million. The contract contains a “no termination clause,” meaning that DPSCD would likely have to pay back the money in the event that the contract was terminated.

Vitti stated further that there were four additional tower contracts under emergency management, but for shorter contracts that are set to be renewed in 2024 & 2025. The School Board approved an additional 10 contracts under short term leases in 2016-2017. Those contracts must be renewed in October 2023 and December 2027.

For the towers added after the original 15, each generates about \$2,000 per month for each tower. Assuming that there are 23 towers, the additional 8 towers generate roughly \$192,000 to DPSCD annually.

Did DPSCD conduct any community and/or parent outreach regarding placing the towers on school property?

Superintendent Vitti’s response:

“No. Cell towers already existed on school properties prior to approving additional contracts. At that point, there were no local concerns being raised about the placement of cell towers in the city (over 1,000) or on schools.”

Do the cellular towers serve any educational purpose related to instruction or access to information for students?

Superintendent Vitti's response:

“No. They do provide stronger cell phone reception to residents in the area.”

Was there risk assessment performed or an opinion sought on the potential health risks to students?

Superintendent Vitti's Response:

“The World Health Organization, Federal Communications Commission, and the American Cancer Society have all stated that there is no evidence that cell towers are dangerous. As you may know, there are no federal, state, county, or city laws prohibiting the placement of cell towers on schools.”

In other words, the DPSCD administration has not conducted a risk assessment related to the installation of cell phone towers because the scientific consensus is that the radio frequency fields generated by cell phone towers are too low to be dangerous to humans.



City of Detroit

CITY COUNCIL

MARY SHEFFIELD
COUNCIL PRESIDENT
DISTRICT 5

MEMORANDUM

TO: David Whitaker, Director, Legislative Policy Division

THROUGH: Council Member Gabriela Santiago-Romero, Chair, Public Health & Safety Standing Committee

FROM: Council President Mary Sheffield

DATE: May 9, 2023

RE: Request for LPD to Draft a Report Related to Cellular Towers on DPSCD Property

There have been recent concerns expressed by Detroit residents during Council's formal session regarding the placement of cellular towers at Detroit Public School Community District locations. The specific concerns are the potential health risk students face by being in close proximity to these towers related to the electromagnetic RF radiation. As such, I am requesting the Legislative Policy Division draft a report, through the gathering of information from DPSCD, which answers the following questions:

How many schools are outfitted with cellular towers?

How was the decision made to allow placement of these towers?

Did DPSCD conduct any community and/or parent outreach regarding placing the towers on school property?

Do the cellular towers serve any educational purpose related to instruction or access to information for students?

Was there risk assessment performed or an opinion sought on the potential health risks to students?

Thank you.

Cc: Honorable Colleagues
Honorable City Clerk


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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: May 9, 2023

RE: **MEMO REGARDING THE RESOLUTION ON CELL PHONE TOWERS IN SCHOOLS**

On May 8, 2023, the Public Health & Safety Committee assigned the Legislative Policy Division (LPD) to review the resolution that City Council passed on April 25, 2023, entitled “Resolution On Cell Phone Towers Information.” LPD drafted the following memo reviewing the resolution.

Council Member Mary Waters drafted the initial resolution in response to community members who expressed concern that the installation of cell phone towers on public school property presented a potential health hazard to children attending Detroit Public Schools Community District (DPSCD) schools. Member Waters then asked LPD to review the resolution prior to introducing it at the Public Health & Safety Committee. LPD made minor changes to the resolution, and the revised version was ultimately passed at formal session on April 25, 2023.

On May 8, 2023, Member Waters stated during the Public Health & Safety Committee meeting that community members have been critical of the resolution, particularly the changes suggested by LPD. Below is a summary of those changes.

Emphasizing DPSCD’s Responsibility to Protect Students

The Preamble of the Detroit City Charter states that “[t]he City shall provide for the public peace, health and safety of persons and property within its jurisdictional limits” and that the Charter “affirms our

commitment to the development and welfare of our youth.” Therefore, the resolution was proper because the City Council has an obligation to protect the health and safety of children who reside in Detroit.

However, City Council is not the only entity responsible for the health and safety of schoolchildren. DPSCD, which is governed by a Board of Education, is responsible for the operation and management of the City’s public schools, including school property. Therefore, LPD added language to the resolution to emphasize DPSCD’s responsibility to ensure that changes to school property do not have negative health effects on students.

The Charter Prohibits City Council from Issuing a Directive to the Health Department

The initial draft of the resolution also stated that “City Council *directs* the Detroit Health Department to study the number of Detroit children who are regularly in close proximity to mobile phone towers in the City of Detroit.” LPD replaced the word “**directs**” with “**urges**” due to limitations on City Council’s authority pursuant to the Charter.

Section 5-101 of the City Charter states that “[t]he Mayor is the chief executive of the City and, as provided by this Charter, has control of and is accountable for the executive branch of city government.” The Health Department is part of the City’s executive branch under the authority of the Mayor. Section 4-113 of the Charter states:

“... the City Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither City Council or its members shall give orders to such officer or employee, either publicly or privately.”

Therefore, the Charter prohibits City Council from directing the Health Department to conduct a health study.

Conclusion

The changes that LPD made to the resolution were 1) emphasizing DPSCD’s responsibility to ensure that changes to school property do not cause negative health effects; and 2) “urging “the Health Department to conduct a study as opposed to “directing” the Health Department to conduct a study. LPD maintains that these changes were proper and advisable. If City Council wishes to revise the resolution, LPD will continue to provide guidance as necessary.

Please contact our office if you need anything further.