

**CITY ATTORNEY RYAN:** Under..., Section 3, under Date of Election. And then it says, "Runoff Elections," so it gives that whole statement and then at the very end of it, what's underlined is the additional, the part that we are trying to add.

**COUNCILPERSON MILLER:** Okay.

**CITY ATTORNEY RYAN:** And that's where it states, "Election dates effected by any countywide or statewide election held in March will coincide with the date for the countywide or stateside election."

**COUNCILPERSON MILLER:** Okay. Alright. Thank you.

**CHAIR PARDO:** Alright. Anything else from the Council? Alright. Madam Clerk.

**CITY CLERK ANTHONY: COUNCILPERSON GUYTON?**

**COUNCILPERSON GUYTON:** Yes.

**CITY CLERK ANTHONY: COUNCILPERSON THOMAS?**

**COUNCILPERSON THOMAS:** Yes.

**CITY CLERK ANTHONY: COUNCILPERSON MILLER?**

**COUNCILPERSON MILLER:** Yes.

**CITY CLERK ANTHONY:** *Pro tem* Davis?

**CHAIR PRO TEM DAVIS:** Yes.

**CITY CLERK ANTHONY: CHAIR PARDO?**

**CHAIR PARDO:** Yes.

**CITY CLERK ANTHONY:** Unanimous vote.

**CHAIR PARDO:** Thank you. Item 13.

**CITY CLERK ANTHONY:** An ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida amending Chapter 10, Article VI entitled "Telecommunications Regulations of the Code of Ordinances" by renaming the Article to "Placement and Maintenance of Facilities for Communication Services and Right-of-Ways," updating definitions in conformance with state law, providing for wireless communications facilities, updating and revising the registration and permitting process, requiring design features for certain above-ground facilities, providing placement, parameters for wireless telecommunications facilities and residential right-of-way, revising administration and enforcement procedures, providing regulations for "pass-thru" providers in accordance with state law, providing for conflicts, severability and codification and providing an Effective Date.

**COUNCILPERSON GUYTON:** So move.

**COUNCILPERSON THOMAS:** Second.

**CHAIR PARDO:** Okay. Good evening again, Ms. McKinney.

**COMMUNITY DIRECTOR MCKINNEY:** Thank you. This ordinance was postponed at the last meeting by City Council. They wanted to study it some more and one of the issues that was raised was Council Member Davis asked if there was a way to put a cap on the number of antenna that we could have in the City. We thought very long and hard about it cause it's, was challenging and what we came up was.., with was to increase the distance between poles from 1,000 linear feet to 2,000 linear feet which would effectively reduce the number of poles that could ever be located in the City. And that was our method of.., cause it's very difficult to come up with a number to cap them so in, in order to reduce it, if you could reduce the amount, um, increase the amount of area between poles, you would effectively be reducing the number that could be in the City. Of course, you know, one of the things they have to do, is they have required, first thing they have to do is co-locate and they have to do stealth. So, we, we did was, we prepared what we had required in this ordinance for our existing light poles, decorative light poles, and we sh'.., we have it up on the screen and we put a.., superimposed what would, the antenna would look like on one of our decorative poles. So, the ordinance would require them to do this type of pole when they put them up in the City. Actually use our standard, decorative street pole. I don't know if you want me to go through all the other details again. I'd be glad to if you want to but if you wanna just go ahead and deliberate or ask questions...

**COUNCILPERSON MILLER:** Yes, um...

**COMMUNITY DIRECTOR MCKINNEY:** ...however you wanna do that.

**COUNCILPERSON MILLER:** Madam Chair?

**CHAIR PARDO:** I think we, yeah. We've been through this a couple of times. Would Council be okay, let's go.., we have one public comment. Let's hear the public comment and then it will come to us. Bonnie Larson.

**COUNCILPERSON MILLER:** I, I do wanna hear.

**CHAIR PARDO:** Go ahead.

**COUNCILPERSON MILLER:** I do wanna hear a little bit...

**CHAIR PARDO:** Another...

**COUNCILPERSON MILLER:** ...of review.

**CHAIR PARDO:** ...presentation?

**COUNCILPERSON MILLER:** Mhmm.

**CHAIR PARDO:** That's fine. Let's go to public comment first. Bonnie Larson.

**MS. LARSON:** Just a couple things. Bonnie Larson. Um, where is this furlough? Where could I read that? Where is that state law that I could read it? I'd like to read it. Um, and now we just talked about Terence Davis had asked can we reduce the number and Ms. McKinney said yes, we reduced it.., the distance between them. So there seems to be some parameters that we can work within. Another question is, if I could have some silence behind me.

**CITY CLERK ANTHONY:** Oh my.

**CHAIR PARDO:** Okay. Clock is ticking.

**MS. LARSON:** I can't think. Anyway, um, the company that is talking about doing this, their name's not on here, this is Castle something or whatever, are they a third party? Are they, just so I understand it correctly, are they the company that's going to be putting up poles or boxes or whatever and then renting out to, say, Verizon, T-Mobil, AT&T, is that.., they, are they, like, the third party or the "pass-thru" people? Um, another thing I read there was, it was, it wouldn't just necessarily be poles, and it, it was stipulating they would be in residential only neighborhoods. Now, this is, what you're showing here is a business. So, I'm wondering why was that written that it would be in residential neighbors on'.., residential neighbors only. And how was the City able to exempt their self from having any on their property? So, there seems to be some parameters that I would like to read this Florida law that, uh, so I can better understand it. Also, the other thing is, they were talking about it could be boxes. And I can tell you from having a sign from DOT in our front yard for two years, that was a pain in the butt, because it says in the documents here they will maintain the box or the pole. Yeah. But what about the property around it? They need to maintain the property around it because you're trying to mow and all of a sudden you have a sign or a box or something there. Now you gotta get out a weed whacker, you gotta hire someone to do that. They need ta, ta take care of their equipment plus the surrounding areas so that's not extra work for us. So, number one, I'd like to read where this Florida statute is so that I can understand how we can make some minor changes to it and also that maintenance thing is a big issue. Thank you.

**CHAIR PARDO:** Thank you. Okay. Ms. McKinney, would you give the presentation, please? Again.

**COMMUNITY DIRECTOR MCKINNEY:** This ordinance originally came about when the City received applications for antennas by Crown Castle, well over a year ago. When they had done that, the City then imposed a moratorium on the facilities, antenna facilities so that we could develop regulations that would help us have something that we would actually be able control and could so'.., be somewhat pleasing to our City and wouldn't be as offensive to neighborhoods. That's how this originally came about. Now, if we don't have regulations, that doesn't mean we won't have antennas. That

means we will have antennas, poles that we cannot regulate. They are.., have state and federal law that guides them and protects them in order for them to provide these telecommunication services. On October, 2014, these regulations were presented to the Planning & Zoning Board and the Planning & Zoning Board unanimously recommended approval. In general, the proposed regulations creates industry standard definitions, establishes requirements for wireless communication companies to register with the City, identifies location and height requirements for any new antennas, poles or boxes planned to be placed within the City's public rights away. Creates design standards for any new wireless communications structures planned to be placed in the City's rights away. Promotes the co-location of new wireless communication structures on existing infrastructure. That's existing telecommunication facilities. Establishes a way of a process for the proposed regulations, creates guidelines for relocating and abandoning existing and future communication facilities, creates construction bond and security fund requirements and requires wireless communications that operate with the City to pay an annual fee to the City. And then, on second reading of the telecommunication ordinance, it was denied by the City Council and that was January 7, 2015. And then the City Council requested Staff to return the ordinance with updated changes on January 21, 2015. Staff then incorporated all the changes that, in the proposed ordinance, that addressed the Council and Staff's concerns. And these changes are highlighted in yellow in this document. So, basically, I think this is the fourth time this document has come before the Council. The changes define the term "notification area," defines the term "stealth design," requires the City Manager to notify the City Council of the proposed wireless facilities, establishes a deadline for the applicant to meet with City Staff to resolve all negative comments or issues raised at the public information meeting, allows the applicant the capacity to permit multiple users when feasible, requires the City Manager to notify the City Council if an applicant is proposing more than six communication utility poles on one linear mile of a City block, prohibits the installation of new wood poles for any communication facilities and wireless communication facilities, requires the wireless communication facilities in the City to be graffiti and sticker free and requires the poles associated with wireless facilities to be decorative. Then, on May 6<sup>th</sup>, the Council postponed the ordinance and requested Staff incorporate additional language that reduce the number of permitted antenna poles in the City. And Staff incorporated the changes in the ordinance that addressed the Council's concerns that was to increase the buffer requirement, the distance between poles from 1,000 linear feet to 2,000 linear feet. And then it also requires the applicant to provide technical documentation to support the need to have poles less than 2,000 linear feet which much be approved by the City Manager. And that would be in case the applicant said I can't do that less than one.., 2,000, we would say, 'Well, you have to provide us technical documentation.' And these regulations are consistent with federal and state law and, in addition, the regulations are consistent with and compatible with the City's Comprehensive Plan and Code of Ordinances. Thank you.

**COUNCILPERSON MILLER:** Thank you.

**CHAIR PARDO:** Okay. Any comments?

**COUNCILPERSON MILLER:** Yes. Madam Chair. Are we receiving any, will we be receiving any franchise fees from this?

**COMMUNITY DIRECTOR MCKINNEY:** We will receive an annual fee, I don't remember the amount of the annual fee.

**CITY ATTORNEY RYAN:** No. That's [inaudible] telecommunications, uh, communications tax.

**CHAIR PARDO:** Right. But not...

**CITY ATTORNEY RYAN:** You're talking about a permit fee?

**COMMUNITY DIRECTOR MCKINNEY:** Yes. We have annual fee in here.

**CITY ATTORNEY RYAN:** Oh.

**COMMUNITY DIRECTOR MCKINNEY:** It's a minor annual fee. It's, it's.., I don't remember the amount but it's a minor fee.

**CITY ATTORNEY RYAN:** Right. There's a.., Madam Chair, if I may?

**CHAIR PARDO:** Yes, please.

**CITY ATTORNEY RYAN:** There is a standard communications tax that goes directly to the state and then we get a portion of that and I don't know, I don't know how to call, a rebate or something but we get money from that every year. We used to have franchise agreements for these types of things and the state did away with it. So, we'll get the permit fees and then a portion of, of the taxes that'll come back from the state.

**COUNCILPERSON MILLER:** Mhmm. How many telem.., telecommunication companies do we currently have using the right-of-way?

**COMMUNITY DIRECTOR MCKINNEY:** Oh, we would...

UNK: All of 'em.

**COMMUNITY DIRECTOR MCKINNEY:** ...probably have.., yeah. All of them...

**COUNCILPERSON MILLER:** All of them?

**COMMUNITY DIRECTOR MCKINNEY:** ...really. Yeah. They're all in our right-of-way.

**COUNCILPERSON MILLER:** Mhmm. Alright. Thank you.

**CHAIR PRO TEM DAVIS:** Mad...

**CHAIR PARDO:** Anything else from the Council?

**CHAIR PRO TEM DAVIS:** Madam Chair?

**CHAIR PARDO:** Yes, Mr. Davis.

**CHAIR PRO TEM DAVIS:** So, this picture, this pole is at, in front of Auto Zone as we speak?

**COMMUNITY DIRECTOR MCKINNEY:** Yes. That's one of the poles on US1. And then what we did on the second pole was, we super imposed what an antenna would look like on the decorative pool that we're requiring them to use decorative poles.

**CHAIR PRO TEM DAVIS:** So, the pole in this one has the decorative pole at this time right now, as we speak?

**COMMUNITY DIRECTOR MCKINNEY:** Um, there are decorative poles on US1 now. Those are all decorative pools on US1.

**CHAIR PRO TEM DAVIS:** Those are just regular light poles.

**COMMUNITY DIRECTOR MCKINNEY:** That one right there on the left, those are our decorative poles.

**CHAIR PRO TEM DAVIS:** Okay.

**COMMUNITY DIRECTOR MCKINNEY:** Those are on US1.

**CHAIR PRO TEM DAVIS:** Okay.

**COMMUNITY DIRECTOR MCKINNEY:** Those are on all, those are on Blue Heron going over to the island.

**CHAIR PRO TEM DAVIS:** Okay.

**COMMUNITY DIRECTOR MCKINNEY:** Those are...

**CHAIR PRO TEM DAVIS:** Okay. I see those. I'm talking about the poles for the Item we are discussing now. Are those located now?

**COMMUNITY DIRECTOR MCKINNEY:** No.

**CHAIR PRO TEM DAVIS:** Okay.

**COMMUNITY DIRECTOR MCKINNEY:** No. There is none now.

**CHAIR PRO TEM DAVIS:** Okay.

**COMMUNITY DIRECTOR MCKINNEY:** There's none. We stopped them when we did the moratorium.

**CITY ATTORNEY RYAN:** I think what the pictures depicts is that...

**CHAIR PRO TEM DAVIS:** Showing, what, that's what....

**CITY ATTORNEY RYAN:** Well, we're hoping that they will co-locate with FPL on our light poles.

**CHAIR PRO TEM DAVIS:** Okay.

**CITY ATTORNEY RYAN:** So, they'll put a box there instead of doing their own pole.

**COMMUNITY DIRECTOR MCKINNEY:** Right.

**CITY ATTORNEY RYAN:** That's the hope.

**COMMUNITY DIRECTOR MCKINNEY:** Yeah. It'll be a, the decorative pole.

**CHAIR PRO TEM DAVIS:** So...

**COMMUNITY DIRECTOR MCKINNEY:** They've agreed.

**CHAIR PRO TEM DAVIS:** So, how...

**COMMUNITY DIRECTOR MCKINNEY:** I mean it's in our regulation so they would have to do that.

**CHAIR PRO TEM DAVIS:** So how many feet from one another will these poles need to be located?

**COMMUNITY DIRECTOR MCKINNEY:** We put 2,000.

**CHAIR PRO TEM DAVIS:** 2,000 feet.

**COMMUNITY DIRECTOR MCKINNEY:** Which is ha a mile.

**CHAIR PRO TEM DAVIS:** Okay. Half a mile. So, let's say this doesn't pass. Let's..., what happens next? Someone can come and they, they reapply and they can just stick their pole in the ground? Is that what can happen?

**COMMUNITY DIRECTOR MCKINNEY:** No. They can't stick next to it. They would have to be 2,000 linear feet from it.

**CITY ATTORNEY RYAN:** He said what if it doesn't pass.

**COMMUNITY DIRECTOR MCKINNEY:** Oh, if this ordinance doesn't pass?

**CHAIR PRO TEM DAVIS:** Mhmm.

**COMMUNITY DIRECTOR MCKINNEY:** We will have to end up permitting the antennas and they won't be decorative pools.

**CHAIR PRO TEM DAVIS:** We...

**CITY ATTORNEY RYAN:** Or litigate.

**CHAIR PRO TEM DAVIS:** We will have to?

**CITY ATTORNEY RYAN:** Or litigate.

**CHAIR PARDO:** Or litigate.

**COMMUNITY DIRECTOR MCKINNEY:** Or...

**CHAIR PRO TEM DAVIS:** Okay. I will...

**CITY ATTORNEY RYAN:** I wanna be clear.

**CHAIR PRO TEM DAVIS:** Litigate means they will have to sue us before they can put it in the ground?

**CHAIR PARDO:** [Inaudible].

**COMMUNITY DIRECTOR MCKINNEY:** Yes. I think so, I'm mean I would defer to our attorney Aut...

**CHAIR PRO TEM DAVIS:** I just don't wanna feel like that we have to put ourselves in a position to be one of the few cities who's gonna be a poster child for this particular project.

**CHAIR PARDO:** That's right.

**CHAIR PRO TEM DAVIS:** Okay, I'm not...

**COMMUNITY DIRECTOR MCKINNEY:** Right.

**CHAIR PRO TEM DAVIS:** You know, I mean, we fight a lot of case on a lot of other issues. This is one that is definitely would impact the, the vision and the perception of our City.

**COMMUNITY DIRECTOR MCKINNEY:** Well, there, there are other, I personally do not like them, of course. But...

**CHAIR PRO TEM DAVIS:** I understand but you do...

**COMMUNITY DIRECTOR MCKINNEY:** But, right, trying to, we're trying to protect us.

**CHAIR PRO TEM DAVIS:** Mhmm.



**COMMUNITY DIRECTOR MCKINNEY:** And they are in other cities and they're going to continue because...

**CHAIR PRO TEM DAVIS:** [Inaudible].

**COMMUNITY DIRECTOR MCKINNEY:** ...the telecommunications, you know...

**CHAIR PRO TEM DAVIS:** Right.

**DIRECTOR MCKINNEY:** ...it's becoming...

**CHAIR PRO TEM DAVIS:** It's a booming...

**DIRECTOR MCKINNEY:** ...crazy.

**CHAIR PRO TEM DAVIS:** It's a booming business but it's noting, so'.., for some reason they chose Riviera Beach. Either they was drivin' down the street, said, "Let's stop in Riviera Beach," or someone solicit them...

**DIRECTOR MCKINNEY:** Well, they...

**CHAIR PRO TEM DAVIS:** ...so.., to come...

**DIRECTOR MCKINNEY:** Well...

**CHAIR PRO TEM DAVIS:** ...to Rivera Beach. I don't know who it was or who it may have been. So, they, you know, nothing against, you know, all due respect, sir.

**DIRECTOR MCKINNEY:** Well, I think they went to West Palm Beach also. Did they permit the poles in West Palm Beach?

**DIRECTOR MCKINNEY:** They did.

**CHAIR PRO TEM DAVIS:** But...

**DIRECTOR MCKINNEY:** But they didn't have regulations.

**CHAIR PRO TEM DAVIS:** Madam Chair. Can I ask to speak...

**CHAIR PARDO:** Well, yeah.

**CHAIR PRO TEM DAVIS:** Since they're here.

**CHAIR PARDO:** Since he's sittin' there doing sign language.

**CHAIR PRO TEM DAVIS:** Please, I don't wanna...

**CHAIR PARDO:** Alright. Go ahead.

**CHAIR PRO TEM DAVIS:** Yeah.

**CHAIR PARDO:** Please state...

**CHAIR PRO TEM DAVIS:** [Inaudible].

**CHAIR PARDO:** ...your name for the record.

**MR. DICKERSON:** Good evening. Dwayne Dickerson. I'm an attorney with the law firm Dunay, Miskel & Backman. I represent, uh, Crown Castle. And I was just letting the Chair *Pro tem* know I may have some of the answers that he was...

**CHAIR PRO TEM DAVIS:** Okay.

**MR. DICKERSON:** ...asking for. If you don't, if it's okay, Madam Chair.

**CHAIR PARDO:** Go right ahead.

**MR. DICKERSON:** Thank you.

**CHAIR PARDO:** [Inaudible] questions for him?

**CHAIR PRO TEM DAVIS:** Well, I'll just let you chime in cause you kinda see wh'..., wh'...

**MR. DICKERSON:** Yeah. I, I understand exactly. I wanted to, absolutely. To answer your first question about other cities...

**CHAIR PRO TEM DAVIS:** Mhmm.

**MR. DICKERSON:** Um, Crown Castle already has telecommunication facilities in the City of Pembroke Pines, the City of Miramar, the City of Lauderdale Lakes, the City of Coral Springs, the City of Hialeah, the City of North Lauderdale and they also have approvals in the City of Miami Beach. So, it's definitely not that they're, that..., and one other point I wanted to make very clear is, this is not a Crown Castle ordinance. This is a City of Riviera Beach ordinance and it is to protect the City as your Staff correctly stated and I believe your City Attorney stated before, there are federal regulations and state regulations that allow for these telecommunication facilities. What your City is doing is, is being proactive in passing a very stringent ordinance which, I believe, is more stringent than the, well, I know for a fact, is more stringent than the federal regulations. It's more stringent than the state regulations and I would venture to say, it's probably the most stringent for a municipality that I've seen. So much so, that there are other municipalities throughout the tri-county area that have asked your City Staff to see your ordinance so they, they could mirror their ordinances after your ordinance. So, it, it is actually the City of Riviera Beach being proactive in making sure that they're protecting they're, they're City, while also balancing with the demand that's requiring these facilities. And, if I may read very, very briefly. This is from the federal communications commission. It was released in October of 2014 and this is a Report

and Order. The purpose of the Report and Order from the FCC was to promote deployment of wireless infrastructure necessary to provide ubiquitous and advanced wireless of broadband services. And what this says from the FCC is that, "The increasing demand for advanced wireless services and greater wireless bandwidth is driving an urgent and growing need for additional infrastructure deployment and new infrastructure technologies to meet the localized needs for coverage and increase capacity in indoor and outdoor environments. Many wireless providers have turned to the DAS and small cell technologies. And so that's what you see. This system is the DAS system which stands for..., it's D-A-S. And it stand for distributed antenna system also known as the small, the small cell wireless telecommush..., telecommunication facility. So, you see, it's the single pole on, so, on the right is the superimposed would it..., will look like. You do not have any in the City right now. But that's what it will look like. And you see, it's extremely similar to what you see on the left. So, based on the ordinance that the federal government does not require, nor does the state, but that your City ordinance will require, you'll get the decorative poles and we will look at every opportunity to co-locate. Obviously, you have to work with FP&L and whoever else we'd be co-locating with but wherever possible, we will seek to co-locate. So you'll see things that are very similar to this so they're aesthetically pleasing, they're in areas that are spread further if you approve it tonight then what, even was originally approved. Now we would go to 2,000 feet separation instead of the 1,000 which was, which was originally requested.

**CHAIR PRO TEM DAVIS:** Okay.

**MR. DICKERSON:** And this is, and this, and, and, and the last thing I will say, I, I'm sure your City Attorney will agree that Crown Castle, while we had applications in so that's why we were a part of the ordinance and the drafting ordinance, this is not a Crown Castle ordinance but we've never taken an adversarial position with the City, I don't believe and, and, and threaten to sue the City. What our, what our position was, we waited for the moratorium...

**CHAIR PARDO:** Alright. We got it.

**MR. DICKERSON:** ...and we've worked with the deferrals and had the opportunity to work with Staff so that we could help the ordinance draft and...

**CHAIR PARDO:** [Inaudible].

**MR. DICKERSON:** ...and meet the demands...

**CHAIR PRO TEM DAVIS:** Yes.

**MR. DICKERSON:** ...in dropped calls...

**CHAIR PARDO:** Okay. We got it. Alright.

**MR. DICKERSON:** ...and everything else.

**CHAIR PARDO:** Hold on one second.

**MR. DICKERSON:** Sure.

**CHAIR PRO TEM DAVIS:** Now, now I respect your position at this time. But I listened to a lot of the cities that you stated prior to.., a lot of those cities are much larger.

**MR. DICKERSON:** Mhmm.

**CHAIR PRO TEM DAVIS:** And our City's approximately 7.8 miles...

**MR. DICKERSON:** Mhmm.

**CHAIR PRO TEM DAVIS:** And when you, these poles'll start getting placed in the restricted location, they're very, very visible. I wanna be proactive and be very business friendly. Let me, Mad., Ch'., **CHAIR PARDO?** Has the League taken a position on this, anytime yet, as far as research on this position? On this?

**CHAIR PARDO:** It was brought to us but we didn't take a formal position.

**CHAIR PRO TEM DAVIS:** I guess other cities in Palm Beach County really haven't been approached yet?

**CHAIR PARDO:** I believe, at the time, when it was brought to us, one city was approached and I think it might have been Greenacres but that's it.

Are you in any other city in Palm Beach County?

**MR. DICKERSON:** I, I believe Greenacres as, as well. Yes.

**CHAIR PRO TEM DAVIS:** [Inaudible].

**CHAIR PARDO:** Okay. And that's it?

**MR. DICKERSON:** And, we're working on West Palm Beach?

**COUNCILPERSON THOMAS:** There's a pole up at 45<sup>th</sup> Street right in front of RaceTrac.

**CITY ATTORNEY RYAN:** I think it's Palm Beach County.

**CHAIR PARDO:** Alright. So, Palm Beach County?

**MR. DICKERSON:** Yes. In Palm Beach County. That is correct.

**CHAIR PARDO:** Okay. That's it. Okay.

**MR. DICKERSON:** That is correct.

**CHAIR PARDO:** Anything else?

**CHAIR PRO TEM DAVIS:** I, I just would, would definitely like to ask the Board to..., I don't want to kill this potential opportunity at which point, one way or other... to table this cause this is something I would like to have our Staff, and maybe work with the League and others across the county to see what, which way we can..., because I don't wanna be the poster child for something that may not necessarily happen because you don't know what legislature's gonna do later. Because, if someone's calling Riviera Beach to find out what we're doing, how do they know that this is going on here? And that's my next question. I mean..., you know what I mean? I mean, if you're in B'..., um, Boynton Beach, not saying Boynton, this Item is over there, but why would they call our Staff to find out how we're doing it? Unless they know what's going on? You know? So, just...

**CHAIR PARDO:** Do you wanna make a motion?

**CHAIR PRO TEM DAVIS:** Yeah. I, I make a, make a motion to, to...

**COUNCILPERSON GUYTON:** Wait, Madam Chair. I have some comments before...

**CHAIR PARDO:** Well, hold on. He has, let's see if we get a second on his motion.

**CHAIR PRO TEM DAVIS:** No. I'll, I'll hold it and allow him to make his comments and I'll...

**CHAIR PARDO:** Okay. Mr. Guyton and let's go.

**COUNCILPERSON GUYTON:** Okay. Cause there's a motion already on the floor.

**CHAIR PARDO:** No. I know. But he can make a motion on top of it.

**COUNCILPERSON GUYTON:** Okay. What, what has been missing with me in the discussion..., there's no discussion about how it may improve the technology of our residents. It's been all aesthetics, how it looks and where it's gonna be. And, my concern would be more substantive about being in front of the cutting edge and improving technology for the residents of our community. And, it does not, as I understand, just deal with dropped calls but it also deal, and correct me if I'm wrong, the wireless internet and, and all of the areas that our kids are now involved in. So, it is my hope that we can go beyond aesthetics. Be ahead of the curve. We are not..., there's no evidence that the federal government is gonna reverse this and not allow them in. And, our communications attorney has already advised us that he's researched everything that he possibly could to determine if we had a chance to, at some point, reject it or just deny it. He said, from all he's researched, that it's coming. So, if we have the ability to impose standards as opposed to going to court and lose and then guess where we are then? It's gonna be difficult to come back and try to impose standards now. Because the court has ruled in their favor. So, now we might not get those decorative things that we have now. Because they will have a lawsuit that says you can go do what the ordinance, or the law, originally said. We don't know how this is

gonna turn out. This is a crap shoot now and if we lose, that's gonna be a big problem. We have tabled this four, five times. You know, at some point we need to step up to the plate, make a decision so that we can keep things movin'. If it's the Board's pleasure to table, that's fine but I don't see where it's gonna benefit Riviera Beach from all of the information that we have been given legally. Now, if there was some, some indication by any of our attorneys that, you know, 'Well, we'll go and, and chances are more likely than not that we'll win,' only thing I'm hearing is it's a crap shoot and if we lose, then all of these regulations that we have in place now they go down the drain. So, I think that we need to think more substantive about improving the service for our residents as opposed to putting more of the attention on the aesthetics of it. But, and they've been working with us above and beyond.

**COUNCILPERSON GUYTON:** So, um, but, I'm ready to move forward and I think our residents deserve to have better technology and the services that would assist in doing that.

**CHAIR PARDO:** Alright. Anything else from the Board? Anyone. Okay. Madam Clerk.

**CITY CLERK ANTHONY: COUNCILPERSON GUYTON?**

**COUNCILPERSON GUYTON:** Yes.

**CITY CLERK ANTHONY: COUNCILPERSON THOMAS?**

**COUNCILPERSON THOMAS:** Yes.

**CITY CLERK ANTHONY: COUNCILPERSON MILLER?**

**COUNCILPERSON MILLER:** No.

**CITY CLERK ANTHONY:** *Pro tem* Davis?

**CHAIR PRO TEM DAVIS:** No.

**CITY CLERK ANTHONY: CHAIR PARDO?**

**CHAIR PARDO:** No.

**CITY CLERK ANTHONY:** That motion fails with...

**CITY CLERK ANTHONY:** ...Councilpersons Miller, Davis and Pardo dissenting.

**CHAIR PARDO:** Alright. Come on. Come on, guys. Alright? Thank you.

**MR. DICKERSON:** Thank you.

**CHAIR PARDO:** We will now go to Regular Agenda. Item 14.