

CHAIRPERSON PARDO: Yes.

COUNCILPERSON MILLER Ms. City Manager, the report. I don't believe I received it by email. You said it was sent out by email today?

CITY MANAGER JONES: It was hard copy.

COUNCILPERSON MILLER Hard copy?

MAYOR MASTERS: Today.

COUNCILPERSON MILLER Today?

CITY MANAGER JONES: Today. .

COUNCILPERSON MILLER Okay. Around what time was that? do you know?

CITY MANAGER JONES: [Inaudible]. Staff did it, I don't...

COUNCILPERSON MILLER Okay.

CITY MANAGER JONES: I don't know what time it was.

CHAIRPERSON PARDO: Okay. Ordinances on first reading, Item 21.

MAYOR MASTERS: Sent out before the meeting tonight. Shameful.

CHAIRPERSON PARDO: No, no, no, no, no. Hold on a second. That's not true because I came up to the City today around, maybe 2:40, 2:45 and it was in my mailbox.

MAYOR MASTERS: So it was sent today? [Inaudible].

CHAIRPERSON PARDO: Okay. Ordinance. Alright. Item 21.

ORDINANCES ON FIRST READING

CITY CLERK ANTHONY: An ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending Chapter 10, Article 6, 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 and 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 conflict, severability, and codification, and provide an Effective Date.

COUNCILPERSON THOMAS: So move.

PRO TEM DAVIS: Second.

CHAIRPERSON PARDO: Okay. Mary McKinney.

MARY MCKINNEY: I'm gonna give you some background on the, this ordinance because it has a little bit of history, so I would like to put it on the record. At the December 3, 2014 City Council meeting, the Council approved the Telecommunication Facility Ordinance on first reading with a 3-1 vote. At the December 17, 2014 City Council Meeting, the City Council unanimously voted to table the second reading of the ordinance until the next meeting to allow Staff to incorporate additional changes and to address the concerns of the Council. At the January 7, 2015 City Council meeting, the second reading of the ordinance was denied by a 1-4 vote. And on January 15, 2015, City Staff met with the Crown Castle, which was the antenna applicant to address additional language that Council and Staff was requesting in the ordinance. And at the January 21, 2015 City Council meeting, Council Member Thomas requested the Council to reconsider the ordinance and the Council unanimously approved the motion to reconsider the Telecommunications Ordinance.

This ordinance has now returning to the Council with the revised changes that were agreed upon by Staff and the Crown Castle applicant. The changes that have been incorporated into the ordinance are highlighted in yellow in the document and in general, the language, additional language to the proposed ordinance is as follows. It defines 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 in the City, requires the wireless communication facility in the City to be graffiti and sticker free and requires the poles associated with the wireless communication facilities to be decorative.

The proposed wireless communication regular... are presented as consistent with federal and state regulations and, additionally, the wireless communication facility regulation this ordinance as consistent with being compatible with City's Comprehensive Plan and Code of Ordinances. And Staff recommends Council approve the included language as the ordinance.

CHAIRPERSON PARDO: **MARY MCKINNEY,** I have a question before we go to public comment. You mentioned a couple of times that the Council would be notified.

MARY MCKINNEY: Yes.

CHAIRPERSON PARDO: Okay. So, the Council would just be notified but can we turn around then and say no? You know, are you just notifying us to notify us that five poles are going in on one street?

MARY MCKINNEY: And give the Council the opportunity to ask for any kind of additional information they may want before they proceed.

CHAIRPERSON PARDO: Proceed with Staff?

MARY MCKINNEY: To proc'...

CHAIRPERSON PARDO: Or...

MARY MCKINNEY: Right. Because, what it is, it's an actually...

CHAIRPERSON PARDO: Well, it's, it's in front of you though.

MARY MCKINNEY: Right.

CHAIRPERSON PARDO: Before it comes to us.

MARY MCKINNEY: It's an application similar for a building permit. Is what it is. It's a..., similar to that.

CHAIRPERSON PARDO: Mhmm.

MARY MCKINNEY: It's not a Site Plan approval...

CHAIRPERSON PARDO: So, every time they wanna come in and, you know, put this stuff on poles, they would have to come to us if there's more than five...

MARY MCKINNEY: No. They...

CHAIRPERSON PARDO: ...on one street.

MARY MCKINNEY: ...have, well, they have to notify the City Manager of any wireless facilities and then the City Manager would notify the Council.

CHAIRPERSON PARDO: Yeah. So, what good does that do? You know, you're just notifying us. So...

MARY MCKINNEY: Well...

CHAIRPERSON PARDO: ...it, it's really, you know, well, here it is. We're putting it up and, you know, good luck to ya.

MARY MCKINNEY: Well, the Council could ask for any kind of additional information that they wanted.

CHAIRPERSON PARDO: Alright. Well...

MARY MCKINNEY: We're trying to comply with...

CHAIRPERSON PARDO: We beat this dog...

MARY MCKINNEY: ...with the federal...

CHAIRPERSON PARDO: ...before and...

MARY MCKINNEY: Right.

CHAIRPERSON PARDO: ...you know, this is one vote that I'm standing by. Okay. So, at this point, we have some public comments. Bonnie Larson. What number is this? 21? Oh really. We only have one comment.

BONNIE LARSON: I'm the only one? How special am I? Alright. Um, the thing I haven't seen when this has come in front of Council, I have never seen a picture of these poles or boxes. There's all kinds of devices they could have in here, not just poles and not just antennas but all kinds of things and it says it's gonna go in the right-o'-way on residential districts. Okay, here's a [sic]. Oh, look at those things. How would you like to have one of those in your front yard? A lot of people have their right-of ways, or the utility easements and stuff in the front of their house. A lot of people have that. Imagine having one of those things in the front of your house. Um, and it says it's gonna be stealth design. How in the world are you gonna hide something like that? That's gonna de., that's gonna decrease the value of everybody's home, it's gonna decrease the value of the City. I understand this is Comcast that we're dealing with and so...

UNK: [Inaudible].

BONNIE LARSON: Pardon me?

CHAIRPERSON PARDO: It's not Comcast. But continue.

BONNIE LARSON: Who is it?

CHAIRPERSON PARDO: [Inaudible].

BONNIE LARSON: Oh, you're not gonna tell me. Okay. Well, whoever it is...

UNK: Who is it?

CHAIRPERSON PARDO: We will tell you...

BONNIE LARSON: They're gonna come in...

CHAIRPERSON PARDO: ...after your comment.

BONNIE LARSON: ...then someone else will come in and wanna put up their poles and, and I asked..., this is interesting. I wanna know if you've read this because this is a fifty page document. I started to read it. There's a lot of interesting items in here. Are they gonna pay the City an annual fee? Well, that doesn't help us any. Stealth design? What the heck? How can you, how can you, how can you hide one of those things? It's gonna notify the City Manager to notify the City Council. Okay, like you said Ms. Pa..., Pardo, with the..., you know, you're just gonna tell you, you have no say, yes, no or whatever and they can put multiple ones in a City block. Um, you really, really need to read this fifty pages. I know it's a lot but you gotta do it. And, it cannot only be..., oh, here. On Page, um, Section 10, 172 it says by adopting and administering responsible rules and regulations, not inconsistent with state and federal law but to make that consistent with state and federal law. Don't say, "not inconsistent." Now, the wording is very, very important. Um, now, they say here if they're gonna abandon something, it said, cessation of all, by way of example and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used shall not be abandonment. Well, if you're not using the cable within the condiment..., eh, within the conduit, they're still gonna leave it there, uh, at, in the customer's pre..., premises. I notice that it has eliminated City properties from these poles. Well, how come the City doesn't want any of these in front of their, their building? We certainly don't want any in front of our bu..., our homes. And, it can be as much as a person..., there's pass-thrus, they can sell..., person..., let's see, pass-thru provider shall meet any person who, upon registering with the City... Okay, person, means an individuals, when an individual can do this. I gotta hurry up here. But anyway, I asked the lady tonight who was here to talk about this, show us some other cities that have this. And she said, 'Well, I really don't know.' Well, if she doesn't know, maybe...

BONNIE LARSON: ...she's been on her, her phone so maybe she called to get some exam'..., I'd like to see these things and what other cities or is it just Riviera Beach who's gonna get this?

COUNCILPERSON GUYTON: Madam...

COUNCILPERSON THOMAS: Madam Chair?

BONNIE LARSON: I'd like to know that. Thank you.

COUNCILPERSON GUYTON: Okay.

CHAIRPERSON PARDO: Okay. First of all, Mary McKinney, can you address...

MARY MCKINNEY: I'll try.

CHAIRPERSON PARDO: The...

MARY MCKINNEY: I'll try.

CHAIRPERSON PARDO: ...name of the company. It's not Comcast.

MARY MCKINNEY: It's Crown Castle.

CHAIRPERSON PARDO: Crown Castle.

MARY MCKINNEY: Crown Castle. And, there are federal regulations that allow for these type of facilities that we can't say no to. Whether...

UNK: Why?

MARY MCKINNEY: ...you know, we..., what we're doing is adopting a regulation to try to put standards in place above and beyond that we can apply to these types of facilities. And we have had numerous discussions with the Crown Castle and the public service type people and we came up with these which were..., they could agree with what we had put in there and we got to be able to put requirements in there that are beyond what federal requirements are. Such as, one of the things are, we say we want decorative poles which is in there. So, you'll see, like, our City decorative pole will have the antenna on it.

So, the, but it complies with the federal regulations and it gives us a little more of a safeguard for our City. There are other cities that already have these, that got them before they even knew they were getting them. They issued the building permits for them and the put them up and then they were horrified. So, at least, we put standards in so that it would be decorative poles, it wouldn't be the old wood poles. And we've even had other cities ask us for our ordinance so they could use it as a template for them.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON PARDO: Yes. Mr...

COUNCILPERSON THOMAS: I was the person that was dead set again this from the very beginning. I can say that I think that we have gotten a whole lot..., my, my preference will be not to have 'em period. But, since we're going to have to have them, I think that we have, we have gotten a whole lot out of it. I think Staff has worked hard on it. You know? I recommend, you know, especially if you have the City's coverage. If you wanna stop some of these dropped calls that we have with T-Mobile, you, you might wanna get some of these..., and that's Metro and all of these other ones too, you're getting these dropped calls because of that.

I think we've, we worked extremely hard to get something that was more than palatable. By, by all means, I'm only one person but, you know, I'm much more comfortable than I was at the onset of this, this particular program. I, I think that we've, we've fought harder than any other City and I think that we've gotten a whole lot more than, than every other City has gotten. I know that they're up in West Palm Beach all over the place. But the main one that you can see, that we won't have, is right there in front of RaceTrac on 45th Street. It's right there, right slap in front of the RaceTrac gas station on 45th Street. We were able to, to get them to agree to a decorative pole that matched the decorative lights that we're puttin..., and a light has to be on it. So we will get a light

as well, a decorative light. So, I mean, I, I think we've gotten as much as, as we could. But, it's, it's fine. Whatever the Board want to, to do.

CHAIRPERSON PARDO: Bless you.

COUNCILPERSON THOMAS: But at some point, we're gonna get whatever they decide to put in there if we don't put some regulations. So, I just want the Board to know that I'm okay with it now and I appreciate you allowing, you know, me the time ta, to get comfortable. That's all.

CHAIRPERSON PARDO: Thank you. I was against it in the beginning and I'm still against it. And, you know, I don't wanna see these things popping up everywhere. And, if we stay together on it, there's a good chance it won't come. And, they were here several times? Right? They made presentations and they heard from the residents and we didn't have one resident that was in favor of it. And yeah, so, yeah. We'll hear from the rest of the Board. Anyone else have comments?

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON PARDO: Yes, Mr. Guyton.

COUNCILPERSON GUYTON: My understanding from our legal counsel that we hired, that specialize in this, my understanding was, they have the right to do 'em. So, if they have that right, we need to try to establish some regulations so that the presentation of them won't be so unsightly. From what I understand from our outside counsel, is that whether we want them or not, whether we try to fight them or not, eventually, we're gonna get them. The choice became whether we're gonna spend a lot of money to try to fight it and then end up having them anyway. From what I can gather, the, the regulations are strongly on their side to say that they are entitled to them. And other communication companies as well. So, I don't see a benefit with trying to fight legally when our outside attorney has told us that ultimately we're going to get them. So I'm satisfied that they have been cooperative with the City to put some decorative standards that they may or may not had to agree to and they've been trying to work with us. So., and, we need to be ahead of the technology curve. I'm one of those that have a lot of dropped calls.

CITY ATTORNEY RYAN: [Chuckle].

COUNCILPERSON GUYTON: And I'm telling ya, that is a problem. [Chuckle]. So, I don't know how it is with others but I have dropped calls when I'm around or in my home and I would like some type of technology that would enhance, not just the calls but the internet and all this other technology that, that this generation now has. So, I'm in support of them because we're gonna get 'em one way or the other and I'd rather be ahead of the curve than behind it. Thank you, Madam Chair.

CHAIRPERSON PARDO: Alright. Anyone else?

PRO TEM DAVIS: Madam Chair?

CHAIRPERSON PARDO: Yes, Mr. Davis.

PRO TEM DAVIS: My concern, have we reached out to our fellow legislatures to kinda get some support? How this language got started and what was, was there any pushback at all?

MARY MCKINNEY: Well, these are federal regulations and the telecommunication providers have certain rights by the law.

PRO TEM DAVIS: Mhmm.

MARY MCKINNEY: And the City hired Keith Davis, who is an...

COUNCILPERSON GUYTON: [Inaudible].

MARY MCKINNEY: ...attorney who is an expert, somewhat, on telecommunication regulations.

PRO TEM DAVIS: Mhmm.

MARY MCKINNEY: He's the one who basically helped draft the ordinance and t's in compliance with the federal regulations. They are going to, they do have a right to put antennas in our City. We just need to be able to require them to comply with as much standards...

PRO TEM DAVIS: Okay.

MARY MCKINNEY: ...as we can.

PRO TEM DAVIS: Mary McKinney, is there a limit on how many they can put in our City?

MARY MCKINNEY: There's not a limit. There's a limit to how many they can put on per street.

PRO TEM DAVIS: Mm.

MARY MCKINNEY: You know, allow them to put more than six in one linear mile.

CHAIRPERSON PARDO: It's six?

MARY MCKINNEY: And, actually, they probably wouldn't do that because there's not enough need in our City. That's more of a, a urban, like, maybe a downtown West Palm or Fort Lauderdale when they were looking for more coverage. But, there is a limit per mile that they can..., there's not a total limit we can put on the City because we can't really do that.

PRO TEM DAVIS: Mhmm. Ha'.., have they applied for any permitting yet?

MARY MCKINNEY: They did apply about a year ago.

PRO TEM DAVIS: Mhmm.

MARY MCKINNEY: I think there were four permits and that's when we stopped, [inaudible] we did the moratorium so that we could do this because they were gonna put those ugly poles and boxes up. And we knew, we didn't wanna do that. So, we were able to do the moratorium and we were fortunate to be able to do that because, I think we coulda got pushback from them for that too. But, we did it. We drafted the regulations. We discussed with them. They made cons.., they pushed back to us on a lot but we were able to prevail and now we don't have any more pushback from them.

PRO TEM DAVIS: Co'.., could another company come in and potentially put in poles as well?

MARY MCKINNEY: Yes.

PRO TEM DAVIS: So, which means you have striving competition. Uh, man. Oo. Here, here's my thing...

MARY MCKINNEY: They.., they're required to co-locate.

PRO TEM DAVIS: [Inaudible].

MARY MCKINNEY: The first thing you have to do is demonstrate that you have to co-locate.

PRO TEM DAVIS: And here's my concerns. You know, people, why we do try to be business friendly and we need to do that as, as a local municipality. A lot of people like to come and test drive Riviera Beach. And, I don't feel like it's really fair to the residents for us to not consider lobbying at a federal level to get some support on this because, if they pass West Palm Beach and they pass Lake Worth...

MARY MCKINNEY: No.

PRO TEM DAVIS: ...Boynton Beach...

MARY MCKINNEY: They didn't pass West Palm Beach. They applied...

CHAIRPERSON PARDO: Which county...

MARY MCKINNEY: ...applied to West Palm Beach.

PRO TEM DAVIS: [Inaudible]?

MARY MCKINNEY: Yep.

PRO TEM DAVIS: So, what other cities they're in...

MARY MCKINNEY: And they're in...

PRO TEM DAVIS: ...in Palm Beach...

MARY MCKINNEY: ...West Palm Beach?

PRO TEM DAVIS: County?

MARY MCKINNEY: They're in Greenacres. Do you remember the other cities?

CITY ATTORNEY RYAN: Well, they're in Palm Beach County. They, aren't they in...

MARY MCKINNEY: There are others in Palm Beach County.

CITY ATTORNEY RYAN: And they're...

MARY MCKINNEY: And they were definitely...

CITY ATTORNEY RYAN: Miramar and...

CHAIRPERSON PARDO: I think those are the only four [inaudible]...

CITY ATTORNEY RYAN: Fort Lauderdale reached out...

PRO TEM DAVIS: Right.

CITY ATTORNEY RYAN: ...to us.

PRO TEM DAVIS: Well, last time they came, they stated...

CITY ATTORNEY RYAN: A few weeks ago.

PRO TEM DAVIS: ...but they only stated Miramar. They didn't state any other cities in Palm Beach County when they...

CHAIRPERSON PARDO: They stated Greenacres.

MARY MCKINNEY: Right. And they've gone, they've been [sic] Fort Lauderdale or they're applying to Fort Lauderdale now... who has also asked us for our regulations...

CITY ATTORNEY RYAN: Right.

MARY MCKINNEY: ...and I think is hiring the attorney that we had help draft our regulations.

PRO TEM DAVIS: I know it's comin' but I still would like to fight, fight a little bit more on a federal level. I mean, I...

COUNCILPERSON GUYTON: Cost us some money?

PRO TEM DAVIS: Well, some things are worth it to my visibility. You're talking about perception of your City, which is a waterfront City. What happens if you got twenty of these down Blue Heron? No one can predict that this won't happen. You get what I'm sayin'? I understand your concern about the financial point but this is one that, you know... They have been friendly. And, like I said, they haven't take.., taken a step out yet. They paused. But, we as a Board, can [pause]. I'd like to put some more restrictions on how many they can put in this City because when one company comes in...

MARY MCKINNEY: Okay.

PRO TEM DAVIS: ...the floodgates are gonna open. I would like to...

MARY MCKINNEY: We could try.

PRO TEM DAVIS: ...see, see that come back. Ask them to come back.

MARY MCKINNEY: We could try.

PRO TEM DAVIS: Yes. I don't wanna just open a floodgate so you can just put as many poles...

MARY MCKINNEY: Right.

PRO TEM DAVIS: ...as you want.

MARY MCKINNEY: We...

PRO TEM DAVIS: Because it's a business, at the end of the day. I notice that I have dropped calls. But most of my dropped calls didn't start until this process came up.

CITY ATTORNEY RYAN: [Chuckle].

COUNCILPERSON GUYTON: But they're not in yet.

PRO TEM DAVIS: I'm serious. Huh?

COUNCILPERSON GUYTON: They're not in yet.

PRO TEM DAVIS: I know. But when the conversation came...

CITY ATTORNEY RYAN: I think when...

PRO TEM DAVIS: That's when I noticed...

CITY ATTORNEY RYAN: ...switch to T-Mobile...

MARY MCKINNEY: I think we switched carriers then.

PRO TEM DAVIS: ...I dropped calls.

CITY ATTORNEY RYAN: We switched to T-Mobile.

PRO TEM DAVIS: So, we switched to someone that was...

UNK: [Inaudible].

MARY MCKINNEY: Yeah, yeah.

CITY ATTORNEY RYAN: That's, that's what I think.

PRO TEM DAVIS: Okay. So, that didn't, that didn't seem well. So, we need to look into it. I'm not gonna say nothin' about the carrier.

CITY ATTORNEY RYAN: Okay. [Chuckle].

PRO TEM DAVIS: But, I would like to see this Item potentially come back.

CHAIRPERSON PARDO: So, is that a motion?

PRO TEM DAVIS: Yes. I'd like to put a motion for to have this Item come back.

MARY MCKINNEY: Okay.

PRO TEM DAVIS: ...being that, we look at putting a restriction on how...

MARY MCKINNEY: Alright.

PRO TEM DAVIS: ...many poles we can put in the City.

MARY MCKINNEY: Okay. We'll give it a shot.

PRO TEM DAVIS: Yes.

CHAIRPERSON PARDO: Is there a second on that?

COUNCILPERSON MILLER Second.

CHAIRPERSON PARDO: Okay.

COUNCILPERSON GUYTON: On our...

COUNCILPERSON THOMAS: Question.

COUNCILPERSON GUYTON: ...discussion...

CHAIRPERSON PARDO: Go right ahead.

COUNCILPERSON THOMAS: Mary McKinney, is the moratorium still in...

MARY MCKINNEY: No. It expired.

COUNCILPERSON THOMAS: So, I, I want us to make sure because I had a problem grasping this concept as well. They can come apply for a permit that we cannot deny and put a pole up anywhere in the right-of-way that looks like anything they want if we don't adopt these Resolot..., these, these regulations.

MARY MCKINNEY: They can. I think that if we come back to the next meeting, that's only two weeks, that we'll, they're not in here now.

COUNCILPERSON THOMAS: They here. I seen one of 'em.

MARY MCKINNEY: No. [Chuckle]. They're applications aren't in here.

COUNCILPERSON THOMAS: Oh, you're saying that they're applications...

MARY MCKINNEY: Right.

COUNCILPERSON THOMAS: ...is not...

MARY MCKINNEY: They don't have an application here yet. So.

COUNCILPERSON THOMAS: Okay.

MARY MCKINNEY: They would just have...

COUNCILPERSON THOMAS: But, I, I wanna, I wanna make sure that if they decide to come here tomorrow and put in a permit for a pole, that they could absolutely do it.

MARY MCKINNEY: No. Because...

CITY ATTORNEY RYAN: I'm not gonna [inaudible].

MARY MCKINNEY: ...we'd have to approve the permit application.

COUNCILPERSON THOMAS: I get it. But...

COUNCILPERSON MILLER [Inaudible].

COUNCILPERSON THOMAS: ...we would have no legal standing to deny them the, the permit.

MARY MCKINNEY: Well, it would have to be a complete application. They'd have to have all the information that's required. So, that would probably take two weeks.

COUNCILPERSON THOMAS: I'm...

CITY ATTORNEY RYAN: No. It's not just that, Mary.

CITY MANAGER JONES: [Inaudible].

CITY ATTORNEY RYAN: Right.

MARY MCKINNEY: Yeah.

COUNCILPERSON THOMAS: I...

CITY ATTORNEY RYAN: If this Council is say that it does not want to draft these regulations and we have nothing in, in place, we would have to say that they don't comply with our current regulations. And that may be the mechanism that pushes a lawsuit.

PRO TEM DAVIS: Mhmm.

COUNCILPERSON THOMAS: Exactly.

CITY ATTORNEY RYAN: If they wanna file one. And, and that's...

PRO TEM DAVIS: [Inaudible].

CITY ATTORNEY RYAN: ...not guaranteed. But, you know, anybody can...

COUNCILPERSON THOMAS: They will.

CITY ATTORNEY RYAN: You know, I say it all the time, anybody can file a lawsuit. Or, you know, and I think there is something to be said about trying to lobby our state legislature and our federal legislat., legislators because the federal is more broad and the state is more restrictive and, you know, I th'.., if, if there're enough cities pushing back, we might be able to get some changes. However, the industry is really trying to work with all the cities and counties so that they don't have that litigation posture. They don't wanna be in litigation with cities. They wanna be a cooperative neighbor. And I think that's why they're trying to work with each governmental entity to come up with regulations that, that you're comfortable with. Because, quite frankly, you know, we, we could win or they could win. And I think that they recognize that...

PRO TEM DAVIS: Mhmm.

CITY ATTORNEY RYAN: ...they might, you know, you might a judge or might get a senator or a representative who says, 'You know what? We have to stop.'

PRO TEM DAVIS: Mhmm.

CITY ATTORNEY RYAN: And, they don't want that.

PRO TEM DAVIS: Mhmm.

CITY ATTORNEY RYAN: They definitely don't want that. So, it's risky. It's risky for us and it's risky for them.

PRO TEM DAVIS: ...for them.

CITY ATTORNEY RYAN: The risk on our side is we will lose and we will spend a lot of money in litigation.

PRO TEM DAVIS: Mhmm.

CITY ATTORNEY RYAN: The risk on their side is that, if they lose, then that's gonna be...

CITY MANAGER JONES: [Inaudible].

CITY ATTORNEY RYAN: ...a game changer for them and they won't be able to go into the cities...

PRO TEM DAVIS: Nowhere.

CITY ATTORNEY RYAN: ...and, and do what they're doing right now. So, it's a, it's a risk. It's a risky...

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON PARDO: Yes.

COUNCILPERSON THOMAS: My concern, and I've had the biggest one. I get it. But, my concern is, I believe at some point, if we do not adopt some form of regulation that it's going to be much worse. If you're sayin', 'Hey look. I wanna fight this.' And you can get fifteen or twenty cities or the League of Cities or the National League..., Florida League of Cities or the National League of Cities to adopt this and, and do something about it, okay. But at this point, from what I understand, not just by our Staff but outside attorneys that say, 'Hey look. You're gonna be facing a lawsuit and you will face one if you deny us a permit when we have the legal right to do it.' And from what I understand, they have the legal right to do it. If I'm wrong, I will stand corrected but, at this point, I think that we ought to, at least, be on the front side of it. So, it's whatever Mary McKinney says. If she says don't, you know, wait, fine. But, you know, I think at this point, you know, I'm, I'm okay.

CHAIRPERSON PARDO: Okay. Well, there's a motion on the floor.

COUNCILPERSON GUYTON: Wait, wait, Madam Chair?

CHAIRPERSON PARDO: And a second to postpone this...

COUNCILPERSON GUYTON: Yes.

CHAIRPERSON PARDO: ...to the next meeting.

COUNCILPERSON GUYTON: Wait, wait, Madam Chair.

CHAIRPERSON PARDO: Alright. One more and...

COUNCILPERSON GUYTON: One more.

CHAIRPERSON PARDO: ...we're going to the vote.

COUNCILPERSON GUYTON: One of the things that I would hope that we focus on is the service that it's gonna provide to our residents. We've been focusing on aesthetics. 'It doesn't look good. It doesn't look good. I don't want it near me. I don't...', but I think that we have an obligation to our residents, if we can provide some level of better service, I think that we have an obligation to do that. I'm looking more at the service that it provides as opposed to aesthetics but that's important and they've worked with us on that. But, is it gonna bring our City to another level as it relates to technology? It is my opinion that it will.

CHAIRPERSON PARDO: Okay. Well, the, the motion on the floor is about the postponement.

COUNCILPERSON GUYTON: That's what it's about.

PRO TEM DAVIS: [Inaudible] to the next meeting.

CHAIRPERSON PARDO: To the next meeting. Alright. Madam Clerk.

CITY CLERK ANTHONY: COUNCILPERSON THOMAS?

COUNCILPERSON THOMAS: No.

CITY CLERK ANTHONY: COUNCILPERSON GUYTON?

COUNCILPERSON GUYTON: No.

CITY CLERK ANTHONY: COUNCILPERSON MILLER?

COUNCILPERSON MILLER: Yes.

CITY CLERK ANTHONY: *PRO TEM DAVIS?*

PRO TEM DAVIS: Yes.

CITY CLERK ANTHONY: CHAIRPERSON PARDO?

CHAIRPERSON PARDO: Yes.

CITY CLERK ANTHONY: That motion is approved with Councilpersons Thomas and Guyton dis., dissenting.