

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 14, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Lorraine Koss (Alt. D2) (present for and voted on H.3. - H. 14.); Ben Glover (D3) (present for and voted on H.1. - H.13.); Mark Wadsworth, Chair (D4); Liz Alward (D4); David Bassford (Alt. D5) (voted on H.1. - H.12, and H.14; abstained on H.13.); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Peter Martin, Planner II; George Ritchie, Planner III; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt from Complete Minutes

Wireless Telecommunications Facilities

Jeffrey Ball stated on July 6, 2021, the Board of County Commissioners unanimously approved legislative intent and permission to advertise revisions to Chapter 62, Article VI, Division 7, in order to address emerging wireless technology, specifically incorporating small wireless facilities. The proposed changes include defining small wireless facilities, establishing setback requirements for the placement of certain wireless telecommunication facilities and restricting the placement of commercial small wireless facilities in a residential zoning classification. On March 9, 2022, the Building Construction Advisory Committee unanimously approved the changes.

Ron Bartcher asked if the purpose is to not have small wireless facilities in a residential area.

Mr. Ball replied that is part of it. A new definition is being incorporated into the code that reflects what the State Statute defines as small wireless facilities. The residential portion of that is just one of them, and what it does is allows for these facilities to be mounted on light poles within the right of way.

Mr. Bartcher asked if it means that in a residential area that has a public road that there can be a wireless facility on a light pole. Mr. Ball replied not within a residential zoning classification.

Mark Wadsworth asked if it has to be within 100 feet. Mr. Ball replied yes, it is 100 feet from residential, child care facilities, and public or non-public school structures, as defined in the Florida Statutes.

Mr. Hopengarten asked about 6G, 7G, and 8G, and said it is left open to any future technology. He said no one has done any studies on the radiation effects on these types of communication systems. He stated he is concerned if about the health effects of 5G because it has a bad reputation and he's worried about the way the ordinance is worded in that is it not limited to 5G. There could be 6G, 7G, where the strength of the signal could be increased without anybody studying the effects.

Liz Alward asked if it is correct that this is the result of the State requiring the County to do it. Mr. Ball replied that is correct.

Mr. Hopengarten stated he doesn't care what the State says. He said sometimes the State does things that are not in the best interest of the citizens. He said he does not agree with the ordinance and more investigation should be done so the board can make an intelligent decision. Ms. Alward

pointed out that as a local government, they have to comply with the State. Mr. Hopengarten stated as an advisory board they are giving their sign of approval if they agree to this, and he does not agree.

Mr. Ball stated he understand the concerns. He said if it is the board's recommendation that as studies come out it can be re-addressed, that is for the board to decide what it wants to recommend to the Board of County Commissioners.

Ms. Alward stated from a public safety perspective, beachside has a lot of condos, and it can be difficult to get signals to contact 911 in an emergency, and this is a way to reach out so that phone calls don't get dropped. She added that people need to be able to rely on technology in cases of emergency.

Mr. Wadsworth stated there is language in the ordinance that says design standards can be waived by the Board of County Commissioners.

Mr. Ball stated the draft ordinance allows for a cell company to ask the Board to waive the standards, which would be done in a public forum. If that is the case, there would be competent substantial evidence to support such a request.

Mr. Bartcher stated he would assume that small wireless facilities are actually less powerful than the cell towers, and would have less of an impact on brain and other health.

Mr. Hopengarten stated he can't speak specifically to 5G, but he has heard that they put the units closer together than they do the current cell towers, so the intensity of the radiation is much more concentrated, and it's worrisome.

Mr. Bartcher asked if it is the same level. Mr. Hopengarten stated there hasn't been any studies so it is difficult to answer. He said his concern is giving blanket approval and harming themselves. He said his recommendation would be to limit it to 5G rather than make it for all future technologies, and that the technology be monitored, that over a period of time if it is determined that it is causing harm, the ordinance can be rescinded and another technology be used entirely.

Mr. Wadsworth state he agrees and he would not want to limit it to 5G without some proper studies to go along with it to see the effects, if any.

No public comment

Mr. Ball stated the board can craft the motion to state that under 62-2422, it be limited to 5G wireless technology only.

Mr. Hopengarten stated 5G is everywhere, and they have been putting it in without any approvals from anyone. He said he would rather limit it to 5G with the condition that it be studied to make sure it is not causing any public safety issues or harm.

Mr. Ball suggested recommending approval or denial with the caveat that the board would like staff to look at any other study that would support or not support limiting the technology.

David Bassford stated he likes staff's suggestion, and if there are studies that say one way or another, then those can be into account, but if there aren't any, and it has been limited to 5G, then there is no way to progress.

Mr. Ball recommended the board come up with language that addresses the concerns but allows staff to move forward and address the concerns in a timely manner.

Mr. Hopengarten asked if the item can be tabled.

Alex Esseeesse stated the item still has to go before the County Commission, but Mr. Hopengarten can coordinate with staff or the County Attorney's Office.

Henry Minneboo asked if the issue has been through several committees.

Mr. Ball stated the County Attorney's Office and Planning and Development staff has vetted the change. This was directed by the Florida Legislature to comply with new and emerging technologies. Staff can let the Commission know that the LPA was concerned about 5G and the monitoring of studies, and that language can be added to the agenda report.

Mr. Bartcher pointed out that the board can recommend denial for the reason of health concerns and because it is not limited to 5G, and no one knows what future technologies are going to be, so the board would like to see the ordinance changed to reflect those concerns. If the board denies it, it will get attention more than if it approves it with recommendations. He clarified that the reasons for denial is that it is too general, it should only address 5G, and there is no mention of health concerns, and the board would like staff to be able to look at the health concerns for 5G technology itself.

Motion by Ron Bartcher, seconded by John Hopengarten, to recommend denial of the Wireless Telecommunications Facilities Ordinance. The motion passed 6:1 with Lorraine Koss voting nay.

Upon consensus, the meeting adjourned at 5:23 p.m.