

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, November 2, 2023

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:03 P.M.

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, and Commissioner District 4 Rob Feltner
Absent: Commissioner District 5 Jason Steele

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezoning and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness opinion testimony showing that the request meets the Zoning Code and Comprehensive Plan criteria. Opponents must also testify as to facts or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Likewise, if a Commissioner has made a site visit, inspection, or investigation, the Commissioner must disclose that fact before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes for rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

C. PLEDGE OF ALLEGIANCE

Chair Pritchett led the assembly in the Pledge of Allegiance.

E.1. Resolution, Re: Recognizing November as National Native American Heritage Month

Commissioner Feltner read aloud, and the Board adopted Resolution No. 23-130, recognizing November as National Native American Heritage Month.

Result: Adopted

Mover: Tom Goodson

Secunder: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

Martha Pessaro expressed her appreciation to the Board for recognizing November for their Native American Heritage and all of the history that goes into this land and the people of it; she stated they will be celebrating at the Wickham Park Amphitheater the weekend of November 10-12, with special emphasis on the Veteran's Day events, as well as a special program on missing and murdered indigenous women; one of the masters of ceremonies has soundtrack music for the current Ken Burns documentary *The American Buffalo*, so they will be having some special presentations on buffalo and paints, prairie folks will be there to talk about that;

today she would like to introduce Clair Ellis who is in charge of many different things; and her hats include sponsorships, fund raising, and all of the fun things that they get to do. She asked Ms. Ellis to say a few words to the Board.

Clair Ellis stated this is a beautiful, family-friendly event, educational, with a beautiful native village that is going to be doing demonstrations during the day, incredible, free workshops that can be registered for, the performers who are the top performers in the country, so bring a couple of lawn chairs or a blanket and join them the 10th, 11th, and 12th at Wickham Park; and she added Native Americans have the highest rate by ethnicity of enlisting in the armed forces.

Ms. Pessaro introduced Bart Lipofsky who is in their Indian River Flute Circle; and she asked Mr. Lipofsky to play his flute for the Board.

G.1. Public Hearing, Re: Joseph S. Minnick Requests a Change of Zoning Classification from GU to RR-1 (23Z00064) (Tax Account 2001554)

Chair Pritchett called for a public hearing to consider a change of zoning classification from GU (General Use) to RR-1 (Rural Residential), as requested by Joseph S. Minnick.

Jeffrey Ball stated for the record he wants to introduce himself; he is the Planning and Zoning Manager; and he is also an American Institute of Certified Planners (AICP) Planner as well. He went on to say Item G.1. is Joseph S. Minnick requests a change of zoning classification from GU to RR-1; the application number is 23Z00064; the Tax Account number is 2001554; and it is located in District 1.

Chair Pritchett advised the Board this is in her District, it is pretty easy, and this has been happening for a while.

There being no comments or objections, the Board approved a request of Joseph S. Minnick for a change of zoning classification from GU to RR-1 on property located on the south side of April Lane, east of International Avenue, Mims.

Result: Approved

Mover: Rob Feltner

Seconder: John Tobia

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

G.2. Public Hearing, Re: FL and NC Investment Properties, LLC (Don & Janice Opatha) Requests a Change of Zoning Classification from RR-1 to AU (23Z00066) (Tax Account 2106726)

Chair Pritchett called for a public hearing to consider a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), as requested by FL and NC Investment Properties, LLC.

Jeffrey Ball, Planning and Zoning Manager, stated FL and NC Investment Properties, LLC requests a change of zoning classification from RR-1 to AU; the application number is 23Z00066; the Tax Account number is 2106726; and it is located in District 1.

Chair Pritchett asked the applicant to come to the podium as she has a question to ask him; she stated she thinks what he is doing is kind of cool; she does struggle with putting AU in

residential for this; but she will be good with it, and she asked staff to give him some questions, if he would be willing to work with them on a Binding Development Plan (BDP) just so the neighbors are protected from noise and make sure of the right setbacks, so if he is good with that, she is going to have staff work with him on how to make his project work but to still protect the neighbors.

Don Opatha explained within 500 feet there are multiple agricultural properties already existing.

Chair Pritchett pointed out she would not approve it right now without putting some way to protect the neighbors; she thinks the project can be done if Mr. Opatha will work with staff for a little while, because the type of thing he is doing has to be an enclosed structure, there is sound, and all of those things; but she reiterated she thinks it can be worked out for him.

Mr. Opatha asked if Chair Pritchett is talking about the BDP.

Chair Pritchett advised a BDP if Mr. Opatha is willing to do it; but to work with staff, and they can get that set up for him.

Mr. Opatha noted if he agrees to that, he will lose the Statute rights; the Statute actually allows him to keep birds there; and he had the permit for more than two years.

Chair Pritchett stated right, on an RR-1, but he would have to keep it in the area he has it in now.

Mr. Opatha commented it does not matter the zoning, it is Right to Farm Act; and it does not matter the zoning type or the size of the lot, none of that matters on the Statute.

Chair Pritchett stated she does not believe Mr. Opatha is correct on that.

Tad Calkins, Planning and Development Director, stated he believes the County Attorney's Office has something to say on that.

Morris Richardson, County Attorney, explained the Right to Farm Act is not applicable here, because Mr. Opatha does not have the agricultural classification from the Property Appraiser and Tax Collector; that is required before a Right to Farm Act would kick in; the County has certain limitations on the raising of exotic birds that predate the Right to Farm Act, so the Right to Farm Act did not preempt those regulations; he is going to have to be in compliance with those; that is some of the things Chair Pritchett was talking about that Mr. Opatha would work out with staff as far as necessary setbacks and the enclosure he has to keep the birds in; and as of right now on that property, he cannot, as a matter of right, do something that is contrary to the zoning pursuant to Right to Farm Act because he does not have that yet.

Mr. Opatha stated he does have Florida Fish and Wildlife Conservation (FWC) Publication for the last two years.

Attorney Richardson pointed out he does not have the agricultural classification from the Property Appraiser or Tax Collector, but he can talk to staff about that offline later.

Chair Pritchett asked if Mr. Opatha would like to work with staff, or would he rather her deny it.

Mr. Opatha replied from what he knows, the agriculture exemption is not going to give him the Statute; and he asked if that is right.

Chair Pritchett commented she will not approve an AU unless the neighbors are protected from her District; she kind of knows the area; and she asked if he was good with that.

Mr. Opatha replied he went through the same process in North Carolina, so the Right to Farm Act does not give the exemption is not what they count; and they count actual permits, the right to breed, and sell exotic animals.

Chair Pritchett advised not in an RR-1 zoning; she would have to let him have the AU, because he does not have that exemption at all right now; and she asked the County Attorney if that is correct.

Attorney Richardson responded that is correct; the Florida the Right to Farm Act is tied to having an agricultural classification; he has not received that yet; and he is not talking about the zoning, he is talking about the classification that he has applied for through the Property Appraiser.

Mr. Opatha explained he has received it actually; he went from his personal name to an LLC; they had sent him a card saying they had cancelled the permit; and he has the card with him, he can show the Board.

Attorney Richardson noted it is not a permit; and they can talk about that offline.

Chair Pritchett asked Mr. Opatha if he would like her to table this and he can work with County staff.

Mr. Opatha responded affirmatively.

Commissioner Tobia stated he actually read the minutes; he is a little bit confused because Mr. Opatha indicated at a previous meeting that he had an agricultural exemption; and he asked if he believes he has an exemption.

Mr. Opatha replied he had it and they cancelled it because he went from his personal name to an LLC; and the Property Appraiser sent him a little yellow card saying it was cancelled.

Commissioner Tobia stated so he does not have one now; he asked if he can speak to primates, because he thinks that was . . .

Mr. Opatha pointed out the primates are not in Florida, they are in North Carolina; and he has to meet a certain amount of hours to bring them to Florida under Florida law, so he cannot bring primates to Florida until he has 1,000 hours completed from Brevard County Zoo or any facility like that.

There being no further comments or objections, the Board continued request of FL and NC Investment Properties, LLC for a change of zoning classification from RR-1 to AU on property located on the east side of War Eagle Boulevard, south of Dairy Road, Titusville, to the December 7, 2023, Zoning meeting.

Result: Continued

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

Chair Pritchett stated she would like to do Item G.4. first as it is a little quicker.

G.4. Public Hearing, Re: Nancy A. Santoriello, Frances Santoriello, and Jennifer L. Straight; and James J. and Jennifer L. Straight (Clayton Bennett) Request a Change of Zoning Classification from RU-1-9 to RU-1-11 (23Z00074) (Tax Accounts 2863326 & 2801026)

Chair Pritchett called for a public hearing to consider a request for a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential), as requested by Nancy A. Santoriello, Frances Santoriello, and Jennifer L. Straight; and James J. and Jennifer L. Straight.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is Nancy A. Santoriello, Frances Santoriello, and Jennifer L. Straight; and James J. and Jennifer L. Straight request a change of zoning classification from RU-1-9 to RU-1-11; the application number is 23Z00074; the Tax Account numbers are 2863326 and 2801026; and it is located in District 5.

Chair Pritchett stated this is in Commissioner Steele's District; she did not respond, but she received an email from District 5 saying they are comfortable with the fit; and she read through it and it seems decent.

There being no comments or objections, the Board approved request of Nancy A. Santoriello, Frances Santoriello, and Jennifer L. Straight; and James J. and Jennifer L. Straight for a change of zoning classification from RU-1-9 to RU-1-11 on property located on the southwest corner of Miami Avenue and Arizona Street, Melbourne.

Result: Approved

Mover: Rob Feltner

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

G.3. Public Hearing, Re: Hope Episcopal Church, Inc. (Mike Burkhead/Gulfstream Towers) Requests a CUP for Wireless Telecommunication Facilities and Broadcast Towers, in a PUD Zoning Classification (23Z00055) (Tax Account 2604194)

Chair Pritchett called for a public hearing to consider a Conditional Use Permit (CUP) for wireless communication facilities and broadcast towers in a Planned Unit Development (PUD) zoning classification, as requested by Hope Episcopal Church, Inc.

Jeffrey Ball, Planning and Zoning Manager, stated this is Hope Episcopal Church, Inc. (Mike Burkhead/Gulfstream Towers) requests a CUP for a wireless telecommunication facilities and broadcast towers in a PUD zoning classification; the application number is 23Z00055; the Tax Account number is 2604194; and it is located in District 4.

Mary Solik, Legal Counsel for Gulfstream Towers, stated this is a proposed 120-foot unipole or camouflage tower on the Christ Episcopal Church property off of Interlachen Road, just south of the intersection of Wickham Road; the church property is 8.27 acres in size; it has a neighborhood commercial future land use designation, and PUD zoning which does allow for a variety of commercial uses; the property is improved with the church; and they have a Florida Power & Light (FPL) substation to the north, a commercial shopping center on the other side of Interlachen Road, a business park on the west, and to the south of the church property is a 4.72-acre retention pond. She went on by saying they have tucked this tower all the way up in

the corner of the church property; they have put it as far to the north as they can; they are required, under the County's Code, to have a 240-foot or two times the tower height set back from any residential structures; they are over 600 feet from any residential building; they meet all of the criteria in the Code; the staff report is very thorough, it goes through all of the future land use requirements they need to meet, the general use criteria, and the specific conditional use criteria in the County's Wireless Ordinance; and the County's wireless consultant has reviewed their application and has determined that they have met their proof of need both for the location and new structure. She advised they meet the Code requirements for, the County caps towers at 120 feet in urban areas; the wireless carrier that is anchoring this tower, T-Mobile has submitted proof of their need of the facility; she will stand for any questions; and she would like to reserve her time to respond to the citizens comments. She mentioned this being a monopole or a camouflage tower, called a unipole; and she provided a profile picture of it, with cabling being inside of the pole, and it will be white with lights.

Melissa Roberts stated she is a Marine Biologist, and she lives just 500 feet from where this proposed tower would be put up; she has a few points to make; 4G and 5G towers increase the possibility of colony collapse disorder by over 200 percent to honey bees and other pollinators that are within four miles of the tower, so that would destroy honey bees that are trying to pollinate people's fruits and vegetables that they grow in their backyards, also their trees and wildflowers; 5G will also increase the amount of electromagnetic radiation in the atmosphere, leading to an increased risk for disease, and a high risk of cancer in humans; these towers are very dangerous in the communities; and she honestly does not want it in her community. She went on to say the frequency of 5G is high enough to disrupt the human body's circadian rhythms, which will regulate sleep and reproduction; they already have a 5G tower less than a mile from where this one is proposed; it is just off Interstate 95 and Wickham; she does not understand why another one is needed; and it does not make a lot of sense to her. She added, a study by the Paris Science et Lettres PSL Research University in Paris has found that Sparrows exposed to cell tower radiation for five to 30 minutes produce disfigured eggs, and they were unable to mate; another study in Spain showed that electromagnetic radiation from cell towers interfered with birds breeding and nesting habits; this includes birds that are protected by Federal law, like the Sandhill Cranes; according to Joel Moskowitz, a leading researcher at the School of Public Health and Director of the Center for the Family and Community Health at UC Berkeley, research has shown significant adverse biological health effects, including brain cancer in humans associated with the use of 5G towers within five miles of people's homes; the animals this tower will affect are protected by Federal law, as she has mentioned, honey bees and many different kinds of birds, like the Cardinal, Sandhill Crane, and many others; these animals are highly sensitive to an exogenous electromagnetic field (EMF) in ways that surpass human reactivity; that is all she has for the Board today, and she hopes it takes this seriously; and as a Marine Biologist, these are really close to her heart. She explained she sees babies walking every, and the park that is right behind her house kids are playing; the schools pick up people every day, little children that are still developing their brains; and the radiation they are going to be exposed to is detrimental to their development.

Commissioner Tobia stated he did not know the harm of all of these towers; and he asked if Ms. Roberts uses a cell phone herself.

Ms. Roberts replied she does, she wishes she did not have to, but she does for her work.

Henry Eckstein stated he lives about 2,500 feet from the tower; he has a Master's Degree in Electrical Engineering; he has worked in the aerospace industry for many years as a telecommunications engineer before becoming a Chief Information Officer (CIO) for a large corporation for 20 years; he is also a certified electromagnetic radiation specialist; and he currently works with businesses and residential customers who are concerned about the impact

of high-levels of Electromagnetic Radiation (EMR) on their health. He continued by saying he has been finding an ever-increasing number of people who are experiencing severe symptoms from their exposure to nearby cell towers, WiFi, cell phones, and other sources of Electromagnetic Radiation; there have been many hundreds of peer reviewed studies over the past few decades proving the dangers of high levels of non-ionizing radiofrequency (RF) radiation, to spite the fact that the Federal Communication Commission (FCC) claims that high levels of non-ionizing radiation are perfectly safe; the FCC even lost a lawsuit in Federal court about this, yet they failed to comply with the orders of the Federal judge; exposure to levels, even many, many times less than the pulse radiofrequencies produced by cell towers, have been proven to cause sleeplessness, memory loss, Alzheimer's, chronic fatigue, diabetes, heart palpitations, heart attacks, stroke, anxiety, high blood pressure, weight gain, double and single strand deoxyribonucleic acid (DNA) breaks, learning difficulties, miscarriages, low sperm count, infertility, breast cancer, blood brain barrier leakage, abnormal electroencephalogram (EEG) wave forms, depressed melatonin, leukemia, burning eyes, cancer, and brain tumors; if the Board wants more information, he can be reached via his website healthyindoorconsultants.com where there are also links to some of these research studies; and he would be happy to discuss this further with the Board Members, and he also has some business cards if anyone wants them. He stated he urges the Commission to rethink this tower, as it will lead to ill health of the population; and he feels very worried about the employees at the Publix right next to it, and whoever works at that church, not to mention all of the neighbors, including himself.

Commissioner Tobia stated clearly Mr. Eckstein has a business that tries to limit these types of cell towers.

Mr. Eckstein stated he tries to help people deal with the situation.

Commissioner Tobia asked if he does consulting.

Mr. Eckstein responded he does consulting because people worry about things.

Commissioner Tobia asked if Mr. Eckstein is working in the capacity of a consultant or a resident right now.

Mr. Eckstein replied as a resident.

Robin Steiner stated they moved to Suntree about 25 years ago, and they live in Crystal Lake; Crystal Lake is the first subdivision, which the houses are directly behind where this tower is going to be going, approximately about 500 feet; their neighborhood is great; when they first moved here, they were one of the only families who had teenagers; now they have a community, at that time, mostly retired; much has changed; and now they are the retirees, and the neighborhood is filled with children. She went on to say according to Business Wire Survey for the National Institute on Science and Law Public Policy, in a recent question to potential home buyers, over 94 percent that were questioned said that they would not even consider a home near a cell phone tower; the New York Times reported that realtors find it harder to move properties listed near cell towers, especially to those families with children; children are highly affected by these kinds of radiation waves; in the same New York Times article, Palo Alto, California, also saw a 20 percent drop in home values in their community when AT&T erected a tower; and Savannah, Georgia, has reported a 7.4 percent drop in home values near cell installations. She commented CBS Sacramento, on June 28, 2019, broadcast a preschool that had once been a thriving business was abandoned when the parents and the children decided to go elsewhere due to the fact that a cell tower was unexpectedly built with no notice to the community behind the preschool; businesses are also affected by these things going up with no

notice or giving any information to the community; Liberty Township, Ohio, just recently with no notice, Horizon started digging up front lawns to install poles for repeaters and transmitters, another item that goes along with the expansion of 5G; like Suntree, this beautiful community outside of Cincinnati had spent years improving the community; they had succeeded in moving all of their utility lines underground; this was a safety move to improve connectivity; and the biggest overall improvement was to the aesthetics of their community, which increased the value of their biggest asset investment, their homes. She asked if that sounds familiar; she remarked it sounds like Suntree; no more unsightly poles and wires, but they will now have a cell phone tower booming over them; now they will have this 5G tower at the tip of their community; she asked if the Board thinks that is a nice welcome sign; she asked if the Commission would like to have that tower put in his or her backyard; and she stated she does not think so. She advised to the health dangers, as many have mentioned, the rapid expansion reports say they do not have conclusive data and they think it will be okay; and they have no idea about the 5G expansion, as they are going off of previous reporting of 2G, 3G, and 4G.

John Lapak stated he received a card in the mail that he had property that was within 500 feet of the property line, so he has a real interest in this of course; to attain this conditional use is a four-page document; it seems very difficult to attain one, because the burden is placed squarely on the applicant to prove that every one of the criteria to pass this must be passed; and if any of them are not, it cannot be passed. He went on by saying to start with the neighborhood, because through this whole process it is talking about what it will do to a neighborhood; they have a neighborhood that from the south, southeast, and southwest, it is all surrounded by two of the most beautiful development communities, both Baytree and Suntree, which contain well over 1,000 homes; there is nothing but a one or two-story building on all of this property; it has been there 20 or 30 years; by the way, the church has been there like 26 years on their property as a church in this same zoning type; and here they are faced with one of the most beautiful areas, and they are now going to be faced with this tower. He noted if they were applying for a permit to put a taller tower, probably the limit, according to the Code, would be somewhere around 50, 60 feet, so that would be 90 feet higher in the air, highly visible from all of these beautiful neighborhoods; to say there is no impact by putting this tower next to all of this residential area, just does not make any sense; in the original application, they never even mentioned the lighting; he guesses that came later when they realized that it is a requirement by Brevard County to put lighting on this tower; what they failed to mention is at the very top, 120 feet in the air, is a strobe light; and that is not just a light, it is two strobe lights that flash and can be seen for miles. He added at night when he looks out of his window right now, all he sees is black sky, stars, and all this; and now, it is very likely that he will be looking at a flashing red light.

Luke Cremerius stated he wants to take a moment to speak as a Suntree resident; he lives about one-half a mile from where this proposed cell tower is going to go; he can empathize with others who may not have the same opinion as he; he is personally excited and in favor of this cell tower; he actually did not realize it was a T-Mobile cell tower until the lady spoke at the beginning; and he has T-Mobile service, which he cannot hold a call in his home unless he is standing outside. He explained he often works from home, a day or two a week, and this can impact his ability to do his job; he has lived here for seven years; he has Spectrum as his home internet provider; with Spectrum a person signs up at a rate and it is hiked up over several years; and in his area, there is no other usable option. He commented his hope is with this tower going in, there will be options by Verizon or T-Mobile home internet coming into play in this area; he provided a copy of a document with the cell cover coverage in that same interlocking area; he stated he circled the Wickham interlocking boundary; the Board can see all the way down to St. Andrews, in that red/gray, not the best signal coverage area, so his hope is that would improve that, and give him more options for home internet providers; and he knows a few of his neighbors are also in the same boat as he is where they have young kids,

they work from home sometimes, and he would imagine they would be able to take advantage of the same opportunities provided by the improved coverage in this area.

Chair Pritchett asked if Deerfield is close to the area.

Mr. Cremerius replied yes, it is off of Crystal Lake Drive in that Crystal Lake neighborhood.

Art Levy stated he provided a handout to all of the Board Members, and he hopes each Commissioner has a chance to read through it; he happens to be electro-sensitive; he was not able to get a cell phone until 2011; he got his first Smart Phone seven years later; his tongue burns and it feels like someone is punching him in the gut when he comes in contact with this stuff; and he does not have a computer at home, no WiFi, no digital TV, and he is living back in the 1970's. He went on to say he was really shocked when he found out about this antenna coming in; when he was house hunting two years ago, he took his meter and he went from house-to-house; he had to pass up on about a dozen homes that he really liked because he was getting an orange or even a red reading on this meter; some were too close to a tower where the tower could be seen out of the back yard; CityScape is saying the coverage in this area is not a problem, everyone has coverage; and they say they are just anticipating into the future. He stated they said ideally it would be good to put more antennas on existing structures; but T-Mobile stated that was not an option, adding additional equipment on an existing site to solve its capacity is neither beneficial nor practical; he asked to who; he stated to T-Mobile obviously and not the citizens of Suntree who would have to be living here and being exposed to a lot more radiation; that is corporate speak for them saying they would rather build a new tower than pay for the engineering to add capacity to existing towers; and they just spend \$26 billion buying Sprint, so they can damn well afford to pay for the engineering to get that done. He added, he took his meter out; he asked the Board to look on page five of the handout he provided to it; he stated he went to the distance where this tower will be; he went to another tower that is about 120 feet tall and he measured the distance; the Board can see, by the picture provided, that he got a steady, yellow light there, which is unacceptable; that caused him to turn down a lot of homes that he looked at, so now all of a sudden it is going to be there; and it is even worse at Publix, which is going to be a lot closer, so all of those people are going to be irradiated as well. He noted there are plenty of towers along I-95 and U.S. 1 where they expect all of their growth; they specifically mentioned major roads; he does not want the calm in his specific area to be ruined that someone driving down I-95 can download a movie 15 seconds faster; and he asked the Board to read the information he provided.

Commissioner Feltner stated he wanted to disclose to the Commission that he did speak to Dr. Joanna Bass on his way into the meeting; and she is going to tell the Board Members the same things she said to him.

Dr. Joanna Bass stated she has an undergraduate degree in electrical engineering and a PhD in engineering and computer science; Viera has two fully-operational towers; the Viera organization has offered Hope Church a reception platform on either tower; there is no justification for a separate, private communication tower that serves a private, non-taxable entity of which they can charge users for non-taxable profit; and she inquired what entity has studied the communications frequencies of this communication system to ensure there will be no interference with commercial, cell phone communication, and most importantly with the fire, police, and medical helicopter systems.

Elena Khlyabich stated the representative representing the cell tower company clearly said there was no home within 640 feet from the tower; in the notice she received, it said 500 feet; she asked why the representative said 640 feet from the house; she is not even closest to it; and she is within 500 feet, so that means people who live in the neighborhood before her, they

are closer, probably 300 feet. She pointed out this is an official notice mailed to the residents, so there is a discrepancy; she also listened to Commissioner Tobia who asked a question, that was kind of sneaky, which was if people use their cell phone; she advised yes, people do; she asked what about a baby who does not use a phone; she noted she is not going to put a telephone next to the baby's head at night; she has the freedom to turn her phone off; and at night, she does, because she has two children. She explained she has control over her phone, she does not have control over the tower; as Dr. Bass mentioned, there are other cell towers, which are offering the space to T-Mobile, so what is now being done is they want to make money and profit; they are saying to forget about the value of the homes in the neighborhood, there are about 2,000 homes, but they are saying they do not care about those, because that company is going to make money; there is a school about a mile and one-half and a park that is 400 feet from the tower; and the representative said 500 feet, which is not true. She commented if a person drives there any day of the week he or she will see kids playing Little League Soccer morning and afternoon, babies swinging, and kids there all of the time; they have no phones, but they will now be forced to be under radiation; maybe people are exaggerating a little bit because of their kids; she asked if they are going to risk their children and grandchildren exposing them day and night to the radiation, which they do know influences their bodies; they do not know if it will cause cancer; but they do know it will influence something. She stated if 40 years from now people cannot have children or they have cancer of the brain, people will say oops, they just wanted T-Mobile to make some money, and the church as well; she would like the Board to consider that; she has 53 signatures from the neighbors; she was going to get more, but she got sick; and she has proof of the people's names, addresses, and saying they do not want it.

Claudia Schirripa stated she just found out about this, so she came here, because this is so important; the health hazards that are concerned with this are headaches, memory loss, congenial disabilities, and cardiovascular stress; many studies also show that cell towers may lead to cancer as they omit non-ionizing high radio-frequency waves; cell towers have wireless antennas that omit radio-frequency, non-ionizing radiation; when these antennas are close to homes and schools, people's daily exposure to the radiation is increased; and the radiation is considered a new form of environmental pollution. She continued by saying she is totally against this; when the representative says it can be totally camouflaged, she does not really care about that, she cares about the health effects it has on everybody, so 40 years from now people are going to find out oops; she asked what are people going to do about that; she commented this is really an important decision to make; the research has to be shown to the Board; it has to read the research and to say yes or no; and she and a lot of people in the community are totally against it.

Michelle Smith stated she does not know a lot about these towers, but she does not think many people know the long-term effects; she does the best she can as a mom to make good choices and have her children raised in environments that are safe; since people do not know the effects of the tower, she does not really want her kids subject to sleeping under that every night and playing with it every day; her oldest child is 11, and her children do not have cell phones; they can be turned off at night; and she thinks a cell phone will not emit at the level of a booster tower.

Chair Pritchett asked the County Attorney what the Board is allowed to do as far as State of Florida concerning towers, because she thinks there are certain things it cannot consider in this Item.

Morris Richardson, County Attorney, replied under Federal regulations applicable to this, the Board is not allowed to consider the environmental effects of the emissions from a wireless communication facility; it is Federal law that preempts the Board's ability to consider those

emissions-based arguments on environmental and health factors; and it can consider certain criteria that is set forth in the Code regarding the siting location of these aesthetic considerations and subjects of that nature, and things that are covered in the consultants' report as well.

Chair Pritchett advised she shares in some concerns, but she does not know with all of the technology that is being done and changing; there is trouble with electric poles of what they give off as well; it is an interesting day people are living in; and the Board is not allowed to consider those things right now when it is deciding this, as there is other criteria that has to be complied with.

Commissioner Tobia stated this dovetails to the County Attorney for the question; two speakers brought up the fact that they were worried about property values; he knows the Board is allowed to consider property values, but his understanding is that would require some sort of evidence of a decrease in property values; he asked if Attorney Richardson had seen those values; and could that be used as a rationale to vote no on this.

Attorney Richardson responded generally, to satisfy that criteria, some kind of expert testimony, an appraiser, is needed that says there would be significant, negative effect on the property valuations.

Chair Pritchett pointed out she knows the Commission in the past has tried to maintain a distinction between commercial and residential; and taking all these things into consideration, she would love to hear what the Commission has to say after Ms. Solik has her say.

Ms. Solik expressed her appreciation to Attorney Richardson for bringing up the Telecom Act; she also expressed her appreciation to Commissioner Tobia for mentioning the property values issue; she pointed out she is going to add one more piece of information that is in the County's Code on the property values issue; Brevard County's Code specifically limits that property values impact to abutting properties; and there are not any abutting residential properties to this particular site, as it is surrounded by commercial properties and the retention pond on the south side. She commented she wants to address the notice issue; the diagrams and site plans in the Board's package does demonstrate that they are over 600 feet away from the closest residential structure; some of the neighbors say they received a card because they are within 500 feet; the 500 feet is measured from the boundary of the subject property, so it captures more people than are actually within the 600 feet of the tower; she heard mostly about health issues and a little bit about property values; and she does not think the Board saw any evidence of what the viewshed would be from any of these residential homes to the tower. She added they are over 600-feet away; the church property is wooded; they are as far north as they can be; she provided the Board with a map that shows the woods that will all be staying; she stated this tower will have very little visibility offsite; and the Board did not see any evidence brought forward that would substantiate what the viewshed would be. She remarked the County has a very competent outside consulting firm, CityScape; she runs into them all over the State of Florida representing different jurisdictions; sometimes they agree with them, sometimes they do not; they are fair, and they have evaluated this particular application against the requirements of the County's Code; and they have found they meet all of the requirements, they demonstrated the need. She stated there was a speaker that mentioned the tower at Wickham and I-95; T-Mobile is on that tower, the information is in the Board's packet; they need another location because of the capacity issue; they gave that capacity information to the consultant who reviewed it and did determine that T-Mobile had a capacity issue out there; this tower is a four-carrier pole, so it will not be only T-Mobile that uses it, it will be available to the other licensed, wireless carriers in the marketplace; and they will not be able to build another tower unless they can prove they cannot use this one, they have to come here first. She stated

the cheapest, fastest way for a carrier to get on air to improve their service is to put an antenna on an existing structure, they do that when they can; a new build that draws this kind of attention is really a last resort; it is expensive, the neighbors come out opposed, and they only do it when there is no other option; CityScape looked at the existing environment, looked at the existing towers, and found no other options for them; she thinks she has answered everything raised by the community; and she asked the Board if it has any questions.

Chair Pritchett asked if the church is operating as just a church or if it is a daycare or school during the week.

Ms. Solik replied she does not think so; she stated there was a lot of animosity directed at the church; she would like to explain to the Board how that works; the church leases that small area to Gulfstream Tower, that is her client; Gulfstream is a vertical real estate builder; they build the infrastructure; and then the wireless carriers lease the space from Gulfstream. She went on by saying the Property Appraiser will carve out that portion of property on the church property, and then tax it; it will be taxed like commercial property; the church just gets the revenue from the ground lease; Gulfstream gets the revenue from the tower; they do a lot of towers on church properties; and there are a lot of church properties that are large, have excess capacity, mainstream churches are struggling, and it is a good revenue source for them. She advised they do a lot of towers on school property; and they are doing a lot of towers on schools in Pasco County right now.

Chair Pritchett noted she would cringe at that.

Attorney Richardson stated he wants to clarify that under the County's Code the Board does have the ability to consider the visual and aesthetic impact of surrounding landscape, surrounding areas, and adjacent properties, not exclusively adjacent properties.

Commissioner Goodson pointed out Ms. Solik made a comment that the church was on a down cline.

Ms. Solik replied she just said main street churches are looking for revenue source; she does not believe this church is in any . . .

Commissioner Goodson asked if she does not know.

Ms. Solik replied she does not know.

Commissioner Goodson ask if the lady knows; he stated that is okay, he has another question; and he asked how long their lease is.

Ms. Solik responded she has not seen the lease, her client did the lease himself; and it is probably a minimum of 30 years.

Commissioner Goodson stated so therefore the church is going to get paid monthly or yearly; and he asked what kind of fee they are going to get paid.

Ms. Solik replied she does not know, she has not seen the lease; and she does Gulfstream zoning work.

Commissioner Goodson advised what he finds amazing is all these people came out and spoke against it except one; and he asked where the church membership is.

Ms. Solik noted she had the reverend here but she had to leave.

Commissioner Goodson again asked where the church members are and if they are for it.

Nancy Williams stated she lives in Suntree; she can probably see the tower when it is put up; she does not like to base things on it is going to do this or it is going to do that; she likes to have 100 percent proof; so far, no one has been able to show it; she cannot see the wildlife being affected; and people are mowing down the wildlife because of the buildings.

Commissioner Goodson asked if their congregation is growing or dwindling.

Ms. Williams replied growing, and they are very happy about that.

Commissioner Goodson inquired if the church was given a vote on this.

Ms. Williams noted it was brought in front of the congregation, and there were no objections; most of them do not live there, but they go to church there; and Suntree has 5,000 homes.

Commissioner Goodson asked why Gulfstream would not have gone down Wickham to the industrial site on the left where the furniture store is and the big buildings are.

Ms. Solik replied because they get a very small search area, which is dictated by T-Mobile's current footprint; she provided a map to the Board; she stated the pink dots are all current T-Mobile locations; the blue dot is the proposed location at the church; it is a capacity site; and the County's expert consultant has reviewed all of this information and determined that within a mile of their proposed location there is no available structure for them to use, and has concurred with T-Mobile's findings that it has a capacity issue in this particular area.

Commissioner Goodson asked who the County's expert consultant is.

Ms. Solik replied CityScape.

Commissioner Goodson asked if that is the County's expert.

Ms. Solik responded affirmatively; and the County has a wireless consultant that has done a master plan for the County.

Commissioner Feltner stated he does not think this is a good fit; Administrative Policy four says the County can consider the aesthetic; just to be clear, he thinks when talking about 120 feet, it may not sound too bad, but it is 12 stories; it is a 12-story structure in Suntree; and everyone is going to see that from a long distance. He stated he would move to deny.

Commissioner Goodson stated he would second the motion.

Chair Pritchett stated the Board typically give more weight to the Commissioner of the District because he is the one that lives there; she probably has concerns about the impacts; that cannot be considered, it has to be as far as how it is going to affect the residential area; and she will leave it to the Commissioner of that District and he feels like it is not a good fit. She advised she will be supporting the motion due to the physical location being a hindrance to the entrance of the residential area. She called for a vote on the motion.

There being no further comments or objections, the Board denied request of Hope Episcopal Church, Inc. for a CUP for Wireless Telecommunications Facilities and Broadcast Towers in a

PUD zoning classification for property located on the west side of Interlachen Road, south of north Wickham Road, Viera.

Result: Denied

Mover: Rob Feltner

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

The Board directed the County Attorney to come back to the Board with a Findings of Fact at the November 14, 2023, Board meeting.

Result: Approved

Mover: Rob Feltner

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Absent: Steele

*Chair Pritchett passed the gavel to Vice-vice Chair Tobia.

J.4 Report, Re: John Tobia, Commissioner District 3

Commissioner Tobia stated today is National Broadcast Traffic Professionals Day; the Useless Florida Fact is Florida has the most golf courses than any state in America; Palm Beach County has more golf courses than any other county in the entire country; this day in Florida history is in 1984 the Jacksons performed at the Miami Orange Bowl as part of their Victory Tour; and this was the first and only time all six Jackson brothers performed on stage together. He added the tour grossed approximately \$75 million, \$211 million today, and set a new record for the highest grossing tour. He commented most importantly is employee recognition of the employees Cherronda Washington, Katy Schindler, and Misty Shirah, whose positions are Development Services Supervisor for Planning and Development and Planning and Development's Emergency Support Function Coordinators; the years of service are six, six, and seven respectively; Planning and Development is assigned two very important support functions for Brevard County Emergency Management when the onset of an emergency event, such as a hurricane is declared, Emergency Support Function (ESF)5 the information and planning, ESF19 damage assessment; the ESF5 coordinator Ms. Shirah and her team are called to perform their duties any time Emergency Management calls for activation; and she annually conducts one-on-one training, as well as group training to the members of her team ensuring once activated, there is no disruption or confusion is the responsibilities of the team and the Emergency Operations Center (EOC). He continued by saying Ms. Shirah is often the first volunteer for the very first activation shift, which includes 12-hour shifts and often requires overnight stays at the EOC; during these shifts, the team is responsible for attending daily municipal call meetings gathering other ESF reports and actions in creating a twice-daily report; the ESF19 coordinators, Ms. Washington and Ms. Schindler, are responsible for establishing the teams needed for the field damage assessment, which typically occurs immediately after a storm or event; they ensure the assessment routes, they are assigned, and each team has the necessary tools to do the job and do it well; and ESF19 is instrumental in the reopening of damaged and all affected and non-affected public and private structures within the County boundaries, sometimes overlapping slightly in other municipalities to ensure once every structure has been inspected and recorded accordingly. He explained they offer one-on-one training and team training to those who need a refresher; the reports received electronically in real-time from the field are compiled and submitted to proper agencies; these reports are used by Federal Emergency Management Agency (FEMA) to determine Federal assistance for

Brevard County; three quick, fun facts about these employees are Ms. Shirah is a self-professed nerd, Ms. Washington likes cruises and cruising, and Ms. Schindler enjoys traveling; again, three employees people may not run into, but when times are tough, these are the folks that keep Brevard County running; and more importantly, they make sure the County receives the FEMA funds that are appropriate. He asked with the new EOC opening, how excited they are after the troubles the County has had in the past.

Ms. Shirah replied so excited, no flooding, and power.

Commissioner Tobia stated bathrooms that actually work.

Ms. Shirah responded affirmatively; and stated room to spread out. She expressed her appreciation to the Board for its time, it is appreciated, and beyond expected; it is something they do; it is a role in their positions as County employees, and they serve it with honor and respect of their department, of their directors, and their managers; everyone supports them, their Commission, the County Manager, and everyone; she expressed her appreciation again for the Board's support; and she noted it is how and why they do it. She advised it is also their team and staff; they could not do it without their teams; coordinating their teams with the other ESF's; and it is a group effort.

Commissioner Tobia stated he knows when things get tough, they have families, and they are called to help Brevard County; and he expressed his appreciation to them for coming to the call.

Upon consensus of the Board, the meeting adjourned at 6:10 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board on December 5, 2023