

Town of Callahan
'A Florida Municipality'
Zoning Board Meeting Minutes
September 11, 2023

Present at meeting: Mr. Williams, Mayor Knagge, Mr. Schwend, Mr. Kirk, Mr. Bryan, Mr. Blue III, Mr. Bell, Mrs. Gugliuzza and Ms. Reba Pearce

Absent: Mrs. Piipke

I. Call to Order – Mr. Kirk at 7:00 PM

II. Pledge of Allegiance & Invocation – **Mr. Bryan**

III. Minutes – Motion to approve minutes – **Mr. Schwend**
2nd the motion – **Mr. Blue III**
Motion carried.

Persons wishing to Address the Board

V. David Boeff, 13577 NW 2nd Lane, New Berry, FL

VI. Business –

- Site Plan Review Nex Tower Development Group LLC Owner

Mr. Kirk closed the Planning meeting and opened the public meeting.

VII. Public Hearing –

- **Mr. Boeff** – We are a cell tower development company, I started Nex Tower about 10 years ago. We have towers/projects from Fort Myers and Buford Georgia. I met with the Mayor, Mike, and Shawna where we talked about a potential plan for a new tower. All the costs involved with it regulatory, construction, operations, maintenance, and insurance would be by our company. To let you know about our funding, we're funded by Peppertree Capital, so we are fully funded for any project. Our plan is to construct a 154' Mono Pole which is a single pole, galvanized steel the tip of the actual tower would be 170' which includes the lightening rod. Tower will be developed and designed to hold 4 cell carriers, Verizon, AT&T, T-Mobile, and Dish. The location is Ewing Park, preferably at the back of the property, we also did a Wetland Delineation. As for the insurance, since it is town property we will make sure that the town is co named on the insurance. Nobody will be on the site with less than 2-million-dollar General Liability Insurance. We ask for Certificates of Insurance anytime anybody comes on the site so that way you're protected from a liability standpoint. The tower does not require lights because it is under 200' and not near an airport. Fencing for the tower would be chain link with green slats, security locked. It will be secured behind the foliage in front. The lease is \$10,000 dollars a year or 45% of the revenue which ever one is greater. What we would request is that we give you a report or copies of the leases so you know exactly what that revenue is so you will know that you're getting what we promised you in the contract. The lease terms are for one 5 years with seven 5-year renewals. We have a contract with T-Mobile assuming this is approved. I am guessing that Verizon.

will be right behind them. If we are approved it will take us 5-6 months for our other approvals. There is a lot of national environmental stuff that we have to have done, and we have to get those approvals. As far as construction is concerned it will take 6-8 weeks after all approvals and with good weather to build.

- **Mr. Blue** -No question.
- **Mr. Bell** – Yall going to be the sole owner or are you a reseller?
- **Mr. Boeff** – We are not a reseller but anyone who will build a tower and tells you they won't do it is lying. It will be years before we resale it. The Ground Lease Agreement has to be good.
- **Mr. Schwend** - questioned if this had already been approved and was there a need to contact the Ewing sisters and if the town is getting money from this.
- **Mrs. Pearce** – The city hasn't approved anything so right now it is before the Planning Commission to make a recommendation to the Council. This hasn't gone in front of the council yet.
- **Discussion continues**, about if this has been preapproved, why the town stirred him towards this property and whether the town will receive revenue. Lawyer explains that it has not been preapproved and it will still need to go in front of the council who has the final word. Why it is on this property and not private property. Mike speaks about the town's tower not being capable of handling the load. It would cost \$200,000.00 to make it capable of handling the load, Verizon decided not to do that. The property is property that the town bought from the Mizell's. Property that the town owns to allow us to continue collecting the revenue. Zoning codes do not apply to the governmental districts. Old WWP won't work according to T-Mobile. Tower was built in 1958. In the long term we are trying to maintain it. As the town grows we will have to use hydro tanks for the pressure.
- **Mr. Kirk** - How high will the fence be?
- **Mr. Boeff** – We are going to do an 8', we can do different types of fencing usually if we are back in the woods and out of the view shed we do chain link, but we can do Stockade, architectural PVC type of fence.
- **Mr. Williams** – If we lease this after approval from the boards will it always remain a tower site if it is ever sold would the usage change?
- **Mr. Boeff** – No, absolutely not. Actually, the lease states it is specifically for telecommunication towers. In our ground lease we have a paragraph about termination so in 30 years I have never terminated a ground lease but say one expires or terminated we have to take the tower out we have to demolition the ground and leave it the way it was before we have to demolition the foundation 24" below grade.

- **Mr. Bryan** – Can you show me where this 2.6 acres are in relation to? Is there any potential in the future to expand this land into Ewing Park to make it larger and accommodate future growth?
- **Mr. Williams** – You’ve been to the park you know what the park looks like, do you know where the big pavilion is in the back that’s on the 2.6 acres. The house that’s on the 2.6 acres the old park stopped at that ditch.
- **Mr. Bell** – How much land/footage is there if this thing falls.
- **Mr. Williams** – Everything that has been done in the park so far was with the FRDAP grant. The park has to stay a park for 50 years under the FRDAP grant. It has been pushed over closer to the Mizell property. It’s all wetlands back there.
- **Mr. Schwend** – Forty percent of it is good property, I’m friends with them, the Mizell estate.
- **Mr. Williams** – Most of the Mizell property, there is a Cushing Creek water shed that’s 120’ wide, the big ditch right by the Sonshine Christian Academy runs all the way back that runs to the little road that leads to the little storage facility and runs down there where the DOT pond is and the pond for the storage facility that Cushing Creek water shed goes all the way to Stratton Road, most of the rest of the Mizell property, 60% of it is wetlands. That’s why we ended up only buying the 2.6 acres.
- **Mr. Schwend** - Well developers are looking at that.
- **Mr. Boeff** – We have an engineering letter with the predesign of the tower and it’s designed to fall within 35’ of the center of the tower. In this case there isn’t anything close to it, but it is designed for the 35’ radius.
- **Discussion continues around the table.** Is there any potential to build on that property in the future to expand the park. How the trails limit what we can do back there. When we start impacting the trails we’ve got to go back to the state and ask them if we can impact those trails. Trying to keep some conservation land within the town. Discussing what the revenue amount is and making sure that we have a verification in place for you, so you know you’re getting the correct rent. Ground lease agreement and permits construction time and when rent will start being paid.
- **Mr. Bell** – What is the overall cost of this project?
- **Mr. Boeff** - Depending on our civil work somewhere around \$425,000 and \$500,000 dollars. We can provide contacts and references to you and a letter from our funder, Pepper Tree Capital.
- **Mrs. Pearce** – Where else have you built?

- **Mr. Boeff** – Gilcrest, Bradford, Jacksonville, Alachua, Silver Leaf, Wild Light, St. Johns, Dixie, E-Town and Putnam.
- **Mr. Kirk** – Close the public meeting and open the regular meeting at 7:54 pm.
- **Mr. Schwend** – I think we are missing the obvious, we have spent months talking about our town aesthetics now we got this tower and another thing I have a problem with is us as a board if we are approving something to facilitate a commission to the city, I don't like that.
- **Mrs. Pearce**- I don't know that you would be doing that to facilitate a commission, mostly we are looking at the site plan and the requirements.
- **Mr. Schwend** – This whole meeting has felt like its rubber stamped so why are we here?
- **Mr. Kirk** – I don't know where you're getting that from that's your opinion.
- **Mayor** – Let me explain how this came about. Mr. Buff did reach out to myself via email and phone call a few months back and I passed it on to Mike to see if it was something that we could even consider. Regardless of what happens tonight or future meetings and this project there is going to be a cell tower in or around, Town of Callahan either inside town limits or adjacent to town limits. Our initial hope was to steer them out toward the old wastewater plant to be unseen more or less. Once we presented that to Mr. Buff the carriers said that was not a good area to meet their needs. So, then we looked around and that's how the park came up. Now it is in front of you to say is this feasible or is it something you want to continue with.
- **Mr. Schwend** – Why does it have to be in the view of the city?
- **Mr. Williams** – The previous places they looked at was the Shiek, Kathy Smiths property they said no. When it came to the council they shot it down because the revenue loss for the town and it wasn't in an industrial area and towers aren't allowed in the commercial highway area. Under the new 5G thing that was put out by the Federal Government and the State, they don't have to ask for them if they pushed this they can put it anywhere they want. A lot of this technology is going to happen whether we like it or not.
- **Mr. Boeff** – The state allows in right of ways what they call small cells those do not have to have zoning approval ours we call macro towers absolutely they have to have zoning approval.

Discussion around the table. Mr. Schwend has a problem with the board deciding on something that the town will make a commission from. It looks dirty if we approve something that we make a commission from. Look at it as just another lease and maybe the problem is the structure. Look at the ground lease and make sure it has terms that protect the town in all events and require any companies that are working with them to follow certain conditions. Talking about other locations that may be feasible. With 5G you have to have site towers in proximity to where the population are. The build out is 6 to 8 weeks if there are not any catastrophic weather conditions. Current need or cell situation in the town and range of service.

- **Mr. Kirk** – Is there any other concerns, is this board ready to make a motion?
- **Mr. Bryan** – I think we should table this for now until we get the references and the lease.
- **Mr. Boeff** – I can get you the references, the lease, and the letter from Peppertree.
 - Motion to approve pending the submittal of the references, the lease, and the letter from Peppertree. **Mr. Schwend**
 - 2nd the motion – **Mr. Bell**
 - **Motion Carried**

VIII. Adjourn

- Motion to adjourn by **Mr. Bryan** and 2nd by **Mr. Bell**
- No one opposed.
- Motion Carried Unanimously.
- Time: **8:19 pm**



Mr. Kirk, Zoning President



Lorna Piipke

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.