



**MINUTES
ZONING BOARD OF ADJUSTMENT
THURSDAY, SEPTEMBER 26, 2019
CITY HALL-COUNCIL CHAMBER, 7105 WHITLEY ROAD
REGULAR MEETING
6:30 P.M.**

CALL TO ORDER:

City Attorney George Hyde called the meeting to order at 6:30 p.m. as the Chairperson James Kite and Vice Chairperson Pete Beierschmitt were neither present. With no quorum of the regular members, the alternate members were called up in the order they were selected to serve at the dias in their alternate capacity in order to have a full board. At 6:32 p.m., City Attorney George Hyde called the meeting to order with a full board in place. With there being no Chairperson or Vice-Chairperson present, the sitting board identified and designated an officer from the sitting members to serve as presiding officer for the meeting. Member Charlie Mann nominated Mel Eperthener, as Senior member to preside as Chairperson. Member David Villafuerte seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

Chairperson Mel Eperthener led with roll call as follows:

MEMBERS PRESENT:

David Villafuerte, Place 1
Mel Eperthener, Place 4
Charlie Mann, Place 5
Mary Stormer, Alternate, Place 1
Lisa Sieja, Alternate, Place 3
Jan Hill, Alternate, Place 4 – present and available

And

George Hyde, City Attorney
Randy Richards, Building Official
Paul Hackleman, Director of Public Works
Jeannette Garcia, Planning and Zoning Coordinator

With

James Kite, Chairperson, Place 2, absent without notice
Pete Beierschmitt, Vice-Chairperson, Place 3, absent with notice
Damon Solko, Alternate, Place 2, absent with notice

PUBLIC TESTIMONY Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. Individuals desiring to speak during Public Testimony shall be called upon to speak only after completing a Request to Speak form provided. The Request to Speak form for Public Testimony shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of that respective item by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the Body. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and efficiency of the meeting. Reasonable time limitations may be placed on public testimony by the presiding officer in order to conduct an efficient and effective public meeting.

APPROVAL OF MINUTES:

1. Approval of Minutes from the July 17, 2019 Regular Meeting of the Zoning Board of Adjustment.

Member Charlie Mann made a motion to approve the minutes of July 17, 2019 as presented. Member David Villafuerte seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

NEW BUSINESS

1. Discussion and action on selection of Zoning Board of Adjustment Officers

- a. Chairperson
Alternate Member, Lissa Sieja nominated Charlie Mann as Chairperson and he accepted the nomination. Mel Eperthener seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

- b. Vice-Chairperson
David Villafuerte volunteered to serve as Vice-Chairperson, Mel

Eperthener seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

c. Secretary

Mel Eperthener volunteered to serve as Secretary. Charlie Mann seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

Members of the public were invited to express public testimony. With none requesting to speak, the meeting will continue. Also, with officers in place and a Chairperson in place, Chairperson Charlie Mann will now take the gavel and continue the meeting.

2. Discussion and action on Zoning Board of Adjustment Case No. 1901: Request for Special Exception to Watauga City Code of Ordinances, Chapter 115-Zoning, Article V, Section 115116, Paragraph (e) stating the maximum height for an antenna facility permitted without a special exception in any CF, GU, LB, GB, C, or I district shall be 65 feet. The applicant is seeking special exception for height to increase from 65 feet to 100 feet and for use of a Lattice or Decorative type cellular antenna tower. The property is located at 6600 Starnes Road, Block A of the Foster Village Addition (Foster Village Park). The property owner is City of Watauga. The applicant is CLQ, LLC Tower Consultants dba Wild West Towers Corporation.

Public Works Director Paul Hackleman opened with reminder that the required Public Hearing took place Thursday, July 17, 2019. The reason for this meeting is in regards to the height of the antenna facility being allowed with a special exception to increase from 65 feet to 100 feet. Mr. Hackleman then introduced Peter Kavanaugh of Zone Systems, applicant on behalf of Wild West Towers, who reintroduced the special exception request for benefit of the newly appointed members to the Zoning Board of Adjustment. Following brief introductions, public testimony was then opened.

Tiffaney DeAmicis
Angela Stone
Ryan Kennell
Neal Cooper
Jan Hill
John Redding

7404 Meadowbrook Dr
6624 Greenacres Dr
6625 Greendale Dr
6921 Cheatham
6444 Westridge
8217 Lara Ln

The Public Testimony was closed and a brief recess was called at 7:15 p.m. Chairperson Charlie Mann reconvened the Zoning Board of Adjustment meeting at 7:26 p.m. City Attorney George Hyde provided legal direction specifically for discussions and the newly appointed members. He also reminded the board that Federal law Section 42 US Code 332 (c) (7) (B) (iv), states "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental or health effects of radio frequency emissions." He then asked the applicant to come forward and state compliance with the Commissions regulations of such emissions. The applicant's response was yes. The City Attorney proceeded and reminded the Board of three (3) steps being needed for completion of the project requested. First, the approval of the Zoning Board of Adjustment allowing the height increase, followed by the Public Hearing of Texas Parks and Wildlife Chapter 26 and lastly, approval by the proprietary ownership being the City Council of the City of Watauga. The proposed lease would be modeled after previous lease agreements. Mr. Hackleman addressed building standards, which he stated are normally checked every five (5) years after completion of construction. Again, applicant, Peter Kavanaugh took the podium and answered questions regarding the proposed antenna facility to include that the request being made is not to allow more carriers, but for more quality coverage. Gary Brundage, Wild West Towers, discussed the proposed 50'x50' area to be screened and include lush landscape. No lighting will be included. Mr. Brundage addressed safety and lighting concerns and the City Attorney request if the concerns could be addressed in the License Agreement. Mr. Brundage agreed the concerns will be allowed in the agreement. 911 calls and dropped calls were also discussed. A map was also displayed showing the low coverage areas.

With no further discussions, Chairperson Charlie Mann called for the question. Vice-Chairperson David Villafuerte made motion to allow an increase of the height from 65 feet to 100 feet for an antenna facility. Secretary Mel Eperthener seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann
NAYS: Stormer, Sieja
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

ADJOURNMENT:

With no further business to discuss, Chairperson Charlie Mann adjourned the meeting at 8:04 p.m.

APPROVED: this the 29 day of SEPT 2020.

SIGNED: this the 29 day of SEPT 2020.

APPROVED: Charlie Mann/s/
Charlie Mann, Chairperson

ATTEST: Mel Eperthener/s/
Mel Eperthener, Secretary