

CITY OF CLEVELAND
CITY COUNCIL MEETING
MARCH 9, 2020
MINUTES

CITY COUNCIL MEETING

The City Council meeting of the Mayor and Council of the City of Cleveland was called to order by Mayor Pro Tem Kevin Stanley at 6:30 p.m.

COUNCIL MEMBERS PRESENT: Nan Bowen, Kevin Stanley, Mayor Pro Tem, and Bradley Greene.

APPROVAL OF AGENDA

On motion by Nan Bowen, seconded by Bradley Greene, and carried unanimously, the Mayor Pro Tem and Council voted to approve the agenda for the March 9, 2020 City Council Meeting.

DEAN DYER, WRWH RADIO – REQUEST FOR VARIANCES FOR NEW COMMUNICATIONS TOWER

Dean Dyer, owner of WRWH Radio, came before the Mayor Pro Tem and Council to request a variance from requirements of the Telecommunications Antenna and Towers Standards Ordinance. Mr. Dyer feels the requirements are restrictive and not feasible for the size of his operation.

In a written request, Mr. Dyer requested a waiver to the ordinance and referenced Section 54-20 which allows for exclusion if the tower is under 70 feet in height, or any tower or antenna owned or operated by the City of Cleveland. Although, the City will not own the tower, Mr. Dyer has agreed to allow White County Emergency Management and the Cleveland Police Department to install repeater devices to increase signals in the area.

Mr. Tom O'Bryant provided a narrative of the situation with options for the Council to consider.

- a. Dean Dyer, President of White County Media, LLC (WRWH Radio) has notified city staff that the company desires to erect a communication tower on their property. The tower would be 80 feet in height, not including any antennas.
- b. Any tower or antenna not owned by the City or is over 70 feet in height must follow the City's Telecommunications Antennae and Tower Standards Ordinance (City Code Chapter 54, Telecommunications). The ordinance includes an application procedure, site and structural design requirements, requirements for co-location and planning for future development. The purpose of the regulation is to ensure that such structures are constructed according to any federal and state requirements, within all building and safety codes, minimize visual impacts, and protect on neighboring properties. The fee for such a permit is \$1,000.
- c. White County Media is requesting that they be excluded or exempted from the requirements of Chapter 54, including application, design requirements and fees. The company specifically cites Section 54-20, Scope and Exclusions, from the code where a tower or antenna owned or operated by the City of Cleveland, would be exempt from the regulation. The company has offered to the City of Cleveland Police and to White County Public Safety use of the tower in their efforts to aid public safety communications. The other exemption from the code is if the tower is under 70 feet in height. No other exclusions are allowed by the city code.

DEAN DYER, WRWH RADIO – REQUEST FOR VARIANCES FOR NEW COMMUNICATIONS TOWER - continued

- d. White County Media has not submitted an application, complete or partially completed, for staff to determine if the proposed tower would meet the code requirements or if variances from the code could be presented and considered by city council.
- e. The city has never been presented a tower permit application and never granted any exclusions to this chapter of the city code. Granting such an exclusion would establish a precedence where other telecommunication companies would also request exclusions and exemptions from the code.
- f. Under this request City Council may consider the following: 1) a complete exclusion from the city code requirements, including fees; 2) a denial of the request where the applicant would need to follow all city code requirements, or applicant would need to appeal the city's decision to Superior Court; or, 3) allow the company to work with staff to prepare an application that would follow the code and request variances from certain sections or requirements that could be considered for hardship.

Mr. O'Bryant added the Federal Communications Commission (FCC) requires engineering and plans. The City needs to be cautious of setting a precedence when allowing variances and waivers to the ordinances. Larger cell companies will research how the city handled applications and ask for the same. Bradley Greene asked if the ordinance was meant for larger cell towers and Mr. O'Bryant answered yes. The ordinance requires the developer to submit a two-year plan for future development in the area. Mr. O'Bryant stated it is important for the city to have a site plan and tower design submitted to the city.

Brian Rindt, City Engineer, informed when the city constructed the Truelove sewer line, Mr. Dyer was very easy to work with in obtaining an easement for the line. Mr. Dyer added he is working with the Cleveland Police Department and White County Emergency Management and have received support from both agencies. Chief John Foster commented the metal roof at the temporary police station will interfere with the signal and it would benefit have a relay on the tower.

Mayor Pro Tem Stanley asked if Mr. Dyer was asking for the fees to be waived. Mr. O'Bryant answered yes and the requirement of the application. Nan Bowen stated the city must have an application and plan on file, but did not have issue waiving the fee due to emergency management benefiting from the tower. Mr. Greene added he did not want the city set a precedence with waiver regulations. Mr. Dyer stated the regulations are very stringent.

On motion by Nan Bowen, seconded by Bradley Greene, and carried unanimously, the Mayor Pro Tem and Council voted to allow Dean Dyer, WRWH Radio, to work with staff to prepare an application that would follow the code and request variances from certain sections or requirements that could be considered a hardship. The motion included the fee is waived specifically for the emergency management use and installation of a repeater system for all local emergency agencies to benefit.

BRIAN RINDT – CITY ENGINEER

1. The upgrade to the water line on Hulsey Road is ready to bid. The city will replace an eight-inch line with a twelve-inch line. The replacement will be in two phases. Phase one is from the Warrior tank to Hulsey Road and phase two will continue up Hulsey Road to phase three of the DOT bypass. The city is waiting on DOT to finalize utility move plans. DOT continues to negotiate with the contractor for the utility move of utilities installed in the wrong location by the former DOT contractor.
2. The firm continues to work with city staff on the design of the new wastewater treatment plant. The city is waiting for the increase in the waste load allocation from EPD. The allocation would include the new limits of ammonia. Currently, the city is at 10, but most cities are at 2. The city is designing for 1, but may be issued at 5.
3. Mr. Rindt met with Ricky Hunt, Lee Wilson, and Andrea Smith to discuss the need of a hydrant at the new wastewater plant. The county supplies the water in the area. It would require a six-inch line and meter, an RPZ backflow preventor. The closest hydrant is 900 feet. Mr. Rindt is working on getting the hydrant requirement waived.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

Chief John Foster, Police Department, informed the Mayor Pro Tem and Council the department has received the new weapons. The weapons are an improvement and officers practiced firing at the shooting range. The new weapons are a Glock 45 9mm and holds seventeen rounds in a magazine.

GRANT KEENE – CITY ATTORNEY

Grant Keene, City Attorney, informed he is working on the documents for an upcoming annexation. The city is waiting on the applicant's attorney to record the plat of the property.

TOM O'BRYANT – CITY ADMINISTRATOR

1. City Budget for Fiscal Year 2020-21 (FY21)

- a. The city staff has begun to work on the FY21 budget.
- b. Important items or issues to consider in discussion and planning include: the construction upgrade of the waste water treatment plant; construction planning of a new city hall complex on the Talon property; funding mechanisms capital items for public works, fire and police department; building the city's reserves and fund balance; the 2014 SPLOST expires and the 2020 SPLOST begins in November, adjusting city fees, utility rates and other revenues to more fully cover costs of services. These items will be discussed with City Council as they review their departments between the current month and budget hearings.
- c. Budget hearings are tentatively scheduled for June 2020.

TOM O'BRYANT – CITY ADMINISTRATOR – continued

2. Downtown Development Authority

- a. The City of Cleveland Downtown Development Authority has not met for a significant period of time.
- b. City Administration would like for the DDA to meet, establish new officers and get updated on current activities and requirements for such authorities, and begin discussion on how the DDA can best serve the downtown and city at large.
- c. The Norton Native Intelligence 2020 Report repeatedly mentions the City of Cleveland, along with other cities, on the positive resurgence of downtown activities and the progressive nature activities that cities, including Cleveland, are taking to improve the downtown environment.
- d. It will be essential for the DDA to work closely with City Council to continue the upward trend and improvements for downtown Cleveland.

Mayor Pro Tem Stanley asked how much the city expended on the downtown square. The city spent approximately \$480,000 to improve sidewalks, install new traffic signals, new light poles, a north end crosswalk and trees. The improvements to the downtown was specifically designated in a SPLOST referendum. The city improved everything GDOT would allow. Mayor Pro Tem Stanley added the city continues to provide funding to the square with the new flower pots, planting flowers, and holiday decorations.

Mr. Greene added the improvements on the square is one reason businesses have improved the look of their buildings. Mayor Pro Tem Stanley expressed his appreciation to city staff for keeping up and improving city infrastructure. Ms. Bowen stated her disappointment in the building next to Nix Hardware. The owners will not repair or remove the building and it is an eyesore to the downtown area.

Mr. O'Bryant reiterated the importance of the Norton report noting the city receiving recognition for its efforts.

3. Pandemic Response Plan Update

- a. City staff has been meeting with county and state official on the update of the local operations plan for pandemic planning and response. The plan was originally developed in 2008, was update in 2018 and is currently undergoing an additional update.
- b. The purpose of the plan update is to provide Public Health, Emergency Management, stakeholder agencies, and local officials with planning and coordination guidelines to prepare for and respond to a pandemic event.
- c. The original plan was based on an influenza epidemic template from 2008. The update will follow this course. It will focus on preparedness, response and recovery.
- d. The goals of White County Pandemic Plan are to insure:
 - i. Every resident knows how to protect themselves;
 - ii. Every resident knows who to call if a family member gets ill;
 - iii. Systems are in place to care for large numbers of patients;

TOM O'BRYANT – CITY ADMINISTRATOR – continued

- iv. Essential services continue; and
 - v. Economic disruption is limited.
 - e. Should a pandemic occur in White County, in home patient case management will be critical and includes the following seven elements:
 - i. Community Education
 - ii. Early Self-Identification
 - iii. Telephone Registration/Triage
 - iv. Voluntary Isolation & Quarantine – In Home
 - v. Home Care Kits
 - vi. Care-Giver Education
 - vii. Community Support System
 - f. The various planning segments for White County are:
 - i. Government & Education
 - ii. Public Health & Healthcare
 - iii. Media
 - iv. Business
 - v. Community & Faith Based Organizations
 - vi. Individuals/Family
 - g. Incident Management – incident will be managed using NIMS prici. District Public Health will establish an Area Command as the situation dictates. The local Emergency Operations Center will be activated and staffed as needed depending on situation.
4. Oak Springs open house is scheduled for Monday, March 16, 2020 5:30 p.m. to 8:00 p.m.

NEW BUSINESS

1. Public comments – Brian Rindt commented he remembers when the city did the improvements on the square and it was a very big deal. Mr. Rindt added it made a big difference in the look of the downtown area.
Josh Turner asked Mayor Pro Tem Stanley if he said the square improvements were made twenty-years ago. Mayor Pro Tem Stanley answered no, he did not say that. Mayor Pro Tem Stanley asked the rest of the Council if they mentioned twenty-years and they answered no.

OLD BUSINESS

1. The minutes of February 2020 are at City Hall for the Council to sign

ADJOURNMENT

On motion by Nan Bowen, seconded by Bradley Greene, and carried unanimously, Mayor Pro Tem Stanley and the City Council voted to adjourn the City Council Meeting of March 9, 2020 at 7:03 p.m.

Signatures next page

VACANT

Office Vacant/open Seat Mayor



Kevin Stanley, Council Member
 Ward No. 3
 Mayor Pro Tem



Nan Bowen, Council Member
 Ward No. 1



Bradley Greene, Council Member
 Ward No. 4

VACANT

Office Vacant/open Seat Council Member
 Ward No. 2

ATTEST: 

Connie Tracas, City Clerk

