

**CITY OF CLEVELAND**  
**CITY COUNCIL MEETING**  
**APRIL 3, 2017**  
**MINUTES**

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**CITY COUNCIL MEETING**

The City Council Meeting of the Mayor and Council of the City of Cleveland was called to order by Mayor Shan Ash at 7:00 p.m.

**COUNCIL MEMBERS PRESENT:** Annie Sutton, Bradley Greene, Edward Young, and Nan Bowen.

**APPROVAL OF AGENDA**

On motion by Bradley Greene, seconded by Edward Young, in favor – Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council voted to approve the agenda of April 3, 2017 with the following additions:

Patrick Ballington – Bridge Church – Thrift store in church building and use of building  
Cindy Bailey – White County Chamber of Commerce “Operation Thank You” presentation  
Title VI Non-Discrimination Agreement – GDOT

**BRIAN RINDT – CITY ENGINEER**

1. Highway 129 North sewer project is finished. Benny Blanton will conduct a final inspection by next week. Mr. Rindt asked the council to inform him of any issues.
2. The Cleveland bypass utility move is in the works. GDOT and its contractors have made some adjustments due to a shift in the bypass lanes. Benny Blanton has been monitoring and working with GDOT on the project.
3. Brian Rindt, Angela Steedley, and Connie Tracas met with Jeff McLeod, USDA, on the status of the USDA grant for the water tank and well project. The following is a summary of the meeting:
  - Jeff (from USDA) needed some financial information to show that the City would be able to pay back a loan. This involved comparing existing water system operating and maintenance (O&M) expenses with predicted water system revenues.
  - Revenues would need to exceed O&M expenses in an amount sufficient to pay back the loan.
  - Over the years, the City has been very sensitive with regard to water and sewer rates. In the City’s view, water and sewer revenues should be sufficient to offset O&M costs with a little left over for a “rainy day.”
  - When we looked at the historical water system O&M costs and compared these costs to the USDA system of calculating revenues (at the existing City rates), the projected revenues came out to be slightly below the O&M costs.
  - It did not matter that the City has \$ in the bank (particularly SPLOST funds) that could readily offset project costs, etc.
  - After 2-1/2 years in the USDA system, the City simply could not show the USDA that it could meet the basic threshold of revenues exceeding O&M costs.
  - There are a number of reasons why this USDA government threshold could not be met, all of which a rational person would ordinarily understand and take into account (or ignore).
  - The City can **CLEARLY** show that it is fiscally responsible and that the City would do (if needed) whatever was necessary to pay back any loan. The City, based on the USDA calculations, could not show this.
  - Given the USDA position, the City could not pay back the loan for a \$1.00 project.

**BRIAN RINDT – CITY ENGINEER - continued**

- Angela asked for a “denial” letter from USDA (to potentially use with other funding agencies). Jeff in all his years said that he had never written a denial letter. (Applications in similar circumstances are withdrawn.) Jeff made the point that USDA really wanted to make this loan (and possibly grant too, but he couldn’t commit to a grant).
- Our question to USDA: “Given the fact that USDA has had these numbers for over a year, why didn’t you let us know before now?”
- Given the current relatively high USDA interest rate of 2.75%, and given the proven difficulty of working with USDA, perhaps this outcome is best.
- Angela is looking into an ARC grant, which should have a short fuse.
- One possibility is to break the projects out separately and fund the first one or two (new tank #1 and Warrior tank rehab #2) and fund with SPLOST.

Edward Young stated the city needs the new tank construction started so the Warrior tank can be repaired. Bradley Greene agreed that the city should waste no more time, the Warrior tank repairs are a top priority to avoid a catastrophic event.

Mr. Rindt agreed and stated the requirements of the USDA has caused the project to cost more than if the city constructed and paid for on its own. Mr. Rindt was instructed to prepare a bid package for the construction of the new water tank. The city clerk was instructed to bring bank balances to the next council meeting to discuss funding options.

**PATRICK BALLINGTON – BRIDGE CHURCH - THRIFT STORE AND USE OF BUILDING**

Patrick Ballington, Pastor of the Bridge Church, came before the Mayor and Council to request approval to have a thrift store in the church building on East Kytyle Street.

Mr. Ballington explained, that since the church has moved to Hulsey Road, they have been trying to sell the property or lease the property for a use that remains a community building. Currently the building is being lease, and according to Mr. Ballington below rental costs, to the Gathering Church. Mr. Ballington wants approval to have a thrift store in the building. Mr. Ballington, along with his attorney Don Ferguson, feels the ordinance allows the church for any type of use as long as it is nonprofit.

Mr. Ballington wants to rent an area to the Seventh Day Adventist Church to run a thrift store. The store is nonprofit. Mr. Ballington interprets the R-I zoning district for a church has no limitations or restrictions and feels his church is within the parameters of the ordinance. He stated the city has set a precedence by allowing Mildred’s Thrift Store, United Methodist Church, to operate even if it was operating before the zoning ordinance was adopted in the 1960’s. Mr. Ballington added Mildred’s continues to operate with no exemptions or conditions. He has heard the city is working on an institutional zoning class and he is interested in the outcome.

Grant Keene, City Attorney, asked, as part of the info gathering, what entity Seventh Adventist Church is under and is there 501c3 documentation. Members from the church answered yes, they do have 501c3 documentation. Mr. Keene stated it is essential, as part of the consideration, the city receive all correlating documents.

**PATRICK BALLINGTON – BRIDGE CHURCH - THRIFT STORE AND USE OF BUILDING**  
**– continued**

Mr. Keene informed the situation with Mildred's Thrift store is that it is ran as an entity of the united Methodist Church and not as its own entity. The situation with the Bridge church is they are no longer holding church in the building and have an area suitable for a church but is leasing to other organizations and the city does not know whom the occupant is. Mr. Ballington argued the city does know the occupants. Mr. Keene asked if Mr. Ballington is representing they are holding a church in the facility. Mr. Ballington answered it is a ministry of the church like Mildred's Thrift Store.

Mr. Richard Pinero, pastor Seventh Day Adventist Church, informed the church is a registered 501c3 organization. Mr. Keene stated by Mr. Ballington's account, the nonprofit status is critical and in Mr. Ballington's mind, the use of a thrift store should be allowed.

Mr. Ballington questioned how the city defines "church" especially if the church is renting to an organization to conduct ministries. Mr. Keene stated in the absence of a definition in the ordinance, the city would refer to the dictionary.

Mr. Pinero asked what the city would require in documentation. Mr. Keene answered he could start off with the lease agreement. The lease agreement was submitted to the city. Mr. Ballington reiterated the thrift store is a ministry of the church.

Ms. Nan Bowen asked if the Seventh Day Adventist Church was holding service in the Bridge Church building. Mr. Pinero answered no; the church is located on Church Street. The thrift store can no longer operate at the Blalock Mill location and the community is asking for the store to start back up at another location.

Mr. Bradley Greene asked Mr. Ballington did he say that the city had a bad reputation with all the churches in the city. Mr. Ballington answered yes. Mr. Greene wanted the churches named and informed that he is a member of First Baptist Church and his church does not have an issue with the city or does the city have an issue with the church. Annie Sutton stated she attends Travis, and before she could finish, Mr. Ballington answered "Yes from Travis" and then stated "Oh, you mean Travis Chapel." Ms. Sutton continue to state that there are no issues with the city or her church.

Ms. Sutton went further to explain there are things in the ordinance that may not be addressed and that is why the council is trying to create more defined classifications. She stated it is not an easy job to sit behind the counter and to make decisions.

Mr. Ballington feels he continues to hit road blocks and that the city is making an interpretation of what the church can do. He has had inquiries for commercial and industrial use for the property and when referred to the city the potential buyers were told no. Mr. Ballington was corrected that the potential buyers were not told no, they were told to request a zoning change through the Planning and Zoning Board. Mr. Ballington stated he is losing an opportunity to rent the building because the city is arbitrarily delaying the approval. He feels going through zoning will take too long.

**PATRICK BALLINGTON – BRIDGE CHURCH - THRIFT STORE AND USE OF BUILDING – continued**

On motion by Bradley Greene, seconded by Edward Young, in favor Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council voted to table the decision of the request to operate a thrift store at the Bridge Church located on East Kytle Street until additional information is submitted.

Annie Sutton spoke on behalf of the staff at city hall. Ms. Sutton informed the staff is working on behalf of the city council and they are bound to the requirements adopted by the council. Ms. Sutton would appreciate people to realize this and not take it out on the city staff.

**CINDY BAILEY – WHITE COUNTY CHAMBER OF COMMERCE “OPERATION THANK YOU” PRESENTATION**

Cindy Bailey, White County Chamber of Commerce, along with Jason Hogan, business owner and chamber chair elect, came before the Mayor and Council to present a plaque and information of the activities of the county, including a new map of the area. The information will help the community and for business recruitment.

Mr. Hogan thanked the Mayor and Council for the city’s financial contributions and support throughout the years. Chelsey Hogan, Chastain Insurance, was also present on behalf of the chamber.

Ms. Bailey informed the council of the Georgia Academy for Economic Development four-day course to be held in Habersham County this fall. The Mayor and Council have the opportunity to attend the courses and will also receive GMA credits.

Ms. Bailey invited the Mayor and Council to attend the Cleveland Downtown Business Alliance meeting, Friday, at the chamber office. Ward Gann has agreed to head the group. The group will begin the organizational planning phase.

**CHIEF JOHN FOSTER – POLICE DEPARTMENT**

Chief John Foster, Police Department, did not have any new business but will have an item for executive session concerning possible litigation.

**GRANT KEENE – CITY ATTORNEY**

Grant Keene, City Attorney, did not have any new business but will have an item for executive session concerning possible litigation.

**NEW BUSINESS**

1. The owners are asking for a variance on the grease trap to install a 100 pound grease interceptor. The city requires a minimum volume 1000 gallon grease trap. The spec book does not allow for under the counter grease traps. In the past, the council has issued variances for those facilities that do not have room to install the required grease trap. The Council made the following determinations:
  1. There is room for the developer to install the required grease trap.
  2. Subway cannot guarantee there will not be a menu change that may produce more fats/oils/grease FOG waste.
  3. Subway cannot guarantee they will always be in that building. It would be very difficult for the city to have a new restaurant comply if Subway sells the building with a substandard grease trap.

**NEW BUSINESS - continued**

1. Subway variance request continued – On motion by Bradley Greene, seconded by Nan Bowen, in favor Annie Sutton and Edward Young, and carried unanimously, the Mayor and Council voted to deny the variance request from Subway to install a grease trap that does not meet city specifications. Mr. Greene added the city has come a long way with controlling the sewer waste by having these requirements in place.
2. Sentinel Probation Services has been purchased by CRSA Probation Services, Inc. Sentinel and the City have a signed agreement to provide probation services to the city. Other than the company name, the agreement is the same as with Sentinel. CRSA would like to have it restated with all parties including the new ownership.  
Judge Garrison Baker has signed off on the agreement and stated this is a very good company. On motion by Edward Young, seconded by Nan Bowen, in favor – Annie Sutton and Bradley Greene, and carried unanimously, the Mayor and Council approved the agreement and authorized Mayor Ash to sign.
3. On motion by Nan Bowen, seconded by Edward Young, in favor – Annie Sutton and Bradley Greene, and carried unanimously, the Mayor and Council approved the class requests for Annie Sutton, Connie Tracas, and Tonya Abernathy.
4. On motion by Nan Bowen, seconded by Edward Young, in favor – Annie Sutton and Edward Young, and carried unanimously, the Mayor and Council approved the minutes of March 6 and March 13, 2017.
5. As a requirement of GDOT, the city needs to have a Title VI Non-Discrimination Agreement on file. This assures the city will not discriminate while conducting projects using GDOT, federal, state, and local funding. On motion by Bradley Greene, seconded by Annie Sutton, in favor Edward Young and Nan Bowen, and carried unanimously, the Mayor and Council approved the Title VI Non-Discrimination Agreement with GDOT and authorized Mayor Ash to sign.
6. Public comments – Mayor Ash informed the city will have a booth at Eggstravaganza and will offer fingerprinting and ID cards to children. Parents can then take the card, store in a safe place and hopefully never have to use. The city will take donations for the Cleveland Police Groceries for Seniors Program.

Cindy Bailey informed the DCA will report their findings from evaluating White County and its tourism potential and needs. The report will be given April 25, 8:00 a.m. at the White County Commissioners meeting room.

Mayor Ash and the Council expressed their appreciation of the job Tonya Abernathy does for the city and for attending the meeting.

**OLD BUSINESS**

There was no old business to discuss.

**EXECUTIVE SESSION**

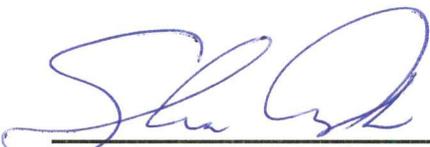
On motion by Edward Young, seconded by Bradley Greene, in favor – Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council voted to enter into an executive session to discuss possible litigation at 8:05 p.m.

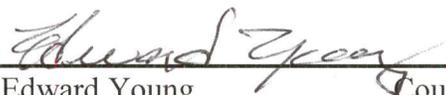
**RETURN TO COUNCIL MEETING**

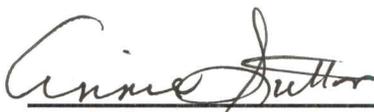
On motion by Edward Young, seconded by Bradley Greene, in favor Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council voted to return to the council meeting at 9:05 p.m. No further business was discussed.

**ADJOURNMENT**

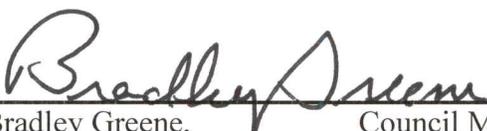
On motion by Bradley Greene, seconded by Annie Sutton, in favor – Edward Young and Nan Bowen, and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of April 3, 2017 at 9:06 p.m.

  
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Shan Ash, Mayor

  
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Edward Young, Council Member

  
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Annie Sutton, Council Member

  
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Nan Bowen, Council Member

  
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Bradley Greene, Council Member

ATTEST:   
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Connie Tracas, City Clerk

