

CITY OF CLEVELAND
CITY COUNCIL MEETING
APRIL 2, 2018
MINUTES

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 6:30 p.m.

COUNCIL PRESENT: Nan Bowen, Annie Sutton, Kevin Stanley, and Bradley Greene.

APPROVAL OF AGENDA

On motion by Kevin Stanley, seconded by Annie Sutton, in favor – Nan Bowen and Bradley Greene, and carried unanimously, the Mayor and Council voted to approve the agenda for the April 2, 2018 City Council Meeting.

2018-08 FALSE ALARM ORDINANCE – 1st review and consideration

Mr. Tom O'Bryant presented the 2018-08 False Alarm Ordinance for a first review and consideration.

- Growth in the functional (daytime) population through increased commercial and institutional uses within the City has created an increase in emergency alarms and calls for response from the City Public Safety Departments (Police and Fire).
- Often these alarms are false alarms which can occur for various reasons.
- False alarms detract from the valuable time Public Safety officials need to respond to a true emergency. False alarms also provide a financial burden on city funds.
- With the implementation of a False Alarms Ordinance, the City would encourage alarm owners and businesses to improve the operational effectiveness of their systems and reduce false alarms. It would also minimize risks to public safety caused by false alarms diverting limited public safety resources away from real emergencies; and promote the public safety by making alarm users in the City directly responsible for preventing false alarms.
- This type of ordinance would Ordinance governs Alarm Systems intended to summon a Public Safety Department and provides for the assessment of fines for excessive False Alarms.
- The purpose and goal of this ordinance would be to reduce or eliminate false alarms, which unduly burden the Police and Fire Departments and waste limited public safety resources.

Mr. O'Bryant received feedback from Fire Chief Ricky Pruitt in support of the ordinance. Chief Pruitt would like the ordinance to include sites with multiple facilities install alarm systems that identify the facility for the response and not a general address. For example, Truett McConnell University has numerous facilities on campus but one address.

On motion by Annie Sutton, seconded by Kevin Stanley, in favor Nan Bowen and Bradley Greene, and carried unanimously, the Mayor and Council voted to approve the first consideration of 2018-08 False Alarm Ordinance with the addition of sites with multiple facilities install alarm systems that identify the facility for the response and not a general address.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

Chief John Foster, Police Department, at the request of White County Chairman Travis Turner, presented an agreement between the City of Cleveland and the White County Board of Commissioners and the White County Sheriff's Office for the use of county jail facilities for city inmates.

Grant Keene, City Attorney, made changes to the agreement to insure no conflict with the service delivery agreement. The agreement stated a Georgia code of the agreement lasting fifty-years, but felt the agreement should be in line with the service delivery agreement. The next service delivery will be reviewed and adopted February 2026. Mr. Keene also changed the identification from "city persons" to "city prisoners". A change was made to add written policy for compliance.

Chief Foster explained the old agreement did not account for medical attention for city prisoners. The White County Jail is now able to offer medical assistance if needed. Mr. Keene explained the changes were meant to clarify and not alter the agreement. Chief Foster stated he has developed a good relationship with the sheriff's office and the facility has kept the inmate board bill at a minimum fee.

On motion by Bradley Greene, seconded by Kevin Stanley, in favor Nan Bowen and Annie Sutton, and carried unanimously, the Mayor and Council voted to approve the agreement with changes and to add a termination date of February 28, 2026.

Chief Foster informed the Eggstravaganza event went very well with no problems or issues. The police department was not able to utilize the car tag reader due to scheduling conflicts with the White County Sheriff's office. The car tag reader is an aid used to identify vehicles in the case of an emergency.

White County Emergency Management, as well as surrounding agencies, will hold an active shooter drill, Wednesday, April 4.

GRANT KEENE – CITY ATTORNEY

Grant Keene, City Attorney, did not have new business to discuss.

TOM O'BRYANT – CITY ADMINISTRATOR

Tom O'Bryant, City Administrator, presented updates on ongoing projects and events:

1. **Wheelage Agreement with White County Water Authority:**
 - a. The Turner Creek Water Treatment Plant, which provides water for the city and the water authority, is in need of a number maintenance improvements and updates.
 - b. The City and Water Authority share in funding for capital improvements for a Wheelage (Capital Reserve) account through a formal agreement titled Wheelage Agreement. The last Wheelage Agreement was approved by the City in June 2016.
 - c. The amount of funds held in the Wheelage account correspond with the cost of water production.
 - d. Previous agreements have set the contribution based on the total amount of funds held in the account and the percent contribution would be tiered between 10% and 30%. Currently there is more than \$500,000 in the Wheelage account so the percentage is at ten.
 - e. The treatment plant anticipates improvement cost up to \$3 million. They are considering either USDA or GEFA grants and financing for the improvements.

TOM O'BRYANT – CITY ADMINISTRATOR - continued

Wheelage Agreement with White County Water Authority - continued

- f. To help fund the improvements and grant match the water authority is asking to amend the existing Wheelage Agreement to set the contribution at an even 20% from May 2018 through December 31, 2019.

On motion by Bradley Greene, seconded by Nan Bowen, in favor Annie Sutton and Kevin Stanley, and carried unanimously, the Mayor and Council voted to approve the wheelage agreement at 20% until December 31, 2019.

2. Jarrard Street Well Update (Well No. 7)

- a. Brian Rindt reported that EPD has approved the installation of a 6" casing within the 8" casing for well #7.
- b. London Land Surveying has marked the location of the well and the property line surrounding the well.
- c. Ricky Hunt has staked off the area needed to establish an easement from the well to a well house location on Jarrard Street. It is available for the Council to observe the location.
- d. Ed Young, who has worked with the Palmour's in the past, is working to helping negotiate the city's access and use of the well.
- e. The council will to determine whether to pursue owning the well out right or to develop a long term well lease agreement.

Mayor Ash informed he visited the site and found no issue with the well location and the property line. Annie Sutton asked if the owner is willing to sell the well to the city. Mr. O'Bryant answered it is an option the city needs to research; long-term agreements may tie the hands of the city in progressing.

3. Status of Appalachian Regional Commission Grant for water line upgrades in the Hulsey Road Corridor:

- a. Grant pre-application application was prepared and submitted by Georgia Mountains Regional Commission on March 30th.
- b. Final Full Application is due April 13th.
- c. The White County Board of Commissioners voted to financially participate in the project in the amount of \$100,000, which will come from their SPLOST. The remaining local match will be funded by the City in the amount of \$170,000. The ARC grant will fund \$270,000 or 50% of the estimated cost of the project.
- d. The City is still waiting on information from FNOK regarding their water needs for future production and the related amount of private investment for such production. This information is necessary to complete the application with ARC.
- e. The water line upgrade will help FNOK, but it will mainly build water capacity for future growth along US 129, Hulsey Road and Helen Highway.

Mr. O'Bryant added the financial participation from the White County Board of Commissioners strengthens the application.

TOM O'BRYANT – CITY ADMINISTRATOR - continued

4. 2020 SPLOST Update:

- a. The county initiated the 2020 SPLOST on March 19th with City Council members from both Cleveland and Helen.
- b. A six-year SPLOST in the amount of \$23.4 million was presented along with a timeline of activities and due dates leading up a referendum held during the general election on November 6, 2018.
- c. The types of projects to be funded include: Water / Wastewater Improvements Including Equipment and Vehicles; Acquisition and/or Capital Improvement of, Public Buildings, Public Infrastructure, Parks and Public Recreation Areas (Including: Administrative, Cultural, Recreational, or Public Safety Facilities or Vehicles); and, Roads, Street, Bridges, and Sidewalk Projects; including Equipment and Vehicles, Resurfacing, and Repairs.
- d. Estimates for projects in the Intergovernmental Agreement are due April 18th.

5. Update on City Park Improvements:

- a. The City continues to work with Girl Scout Troop #11730 for improvements at the park. New directional street signs have been installed to replace the faded out signs.
- b. The Mayor and Council reviewed the specifications of a gazebo handicap swing. The gazebo type swing allows for parents or caregivers to swing along side those utilizing the wheelchair swing. The lever will not activate the swing unless the wheelchair is securely strapped in place. The costs of the gazebo is \$5600 (plus shipping). Public Works can build the swing and pour the concrete pad.
On motion by Nan Bowen, seconded by Annie Sutton, in favor Kevin Stanley and Bradley Greene, and carried unanimously, the Mayor and Council approved the purchase of the gazebo handicap swing for \$5600 plus shipping.
- c. The City has started a legacy brick campaign to raise money to replace equipment at the park.

6. Roof Repairs and Wastewater Plant Repairs

- a. The roofing crew has finished the repairs at City Hall and will now make the roof repairs to the chemical feed building, blower building, and the pontoon dock at the wastewater plant.
- b. The wastewater plant building is in need of improvements. The floor in the building is starting to peel and needs to be replaced with a water resistant floor. The inmates are painting the inside and the floors will be installed in April.

7. Relay for Life

The City has received a Special Events application from Truett to hold the Relay for Life event on the university campus. Chief Foster has been in contact with coordinators.

TOM O'BRYANT – CITY ADMINISTRATOR - continued

Bradley Greene asked about the Warrior tank repairs. Mr. O'Bryant informed the repairs will begin April 11. City staff and the contractor held a preconstruction meeting on March 29 to discuss the details.

Mr. Greene inquired on the capacity of the new south water tank. Mr. O'Bryant stated according to Brian Rindt, engineer, the tank was designed to be three-quarters full. Mr. Rindt stated at council meeting the tank was designed to be higher than the Warrior tank. Mr. Greene expressed the need for the new tank be at full capacity and the city should not wait too late to make the proper adjustments. Mr. O'Bryant feels the city will need to go to a SCADA system, which will tie in the two tanks, and the well systems.

NEW BUSINESS

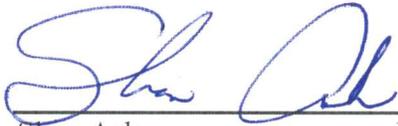
1. On motion by Bradley Greene, seconded by Nan Bowen, in favor Annie Sutton and Kevin Stanley, and carried unanimously, the Mayor and Council voted to change the finance accounts and all city accounts information from Beth Rohmeyer to Beth Allen. This includes online banking accounts.
2. On motion by Nan Bowen, seconded by Annie Sutton, in favor Kevin Stanley and Bradley Greene and carried unanimously, the Mayor and Council voted to add Tom O'Bryant, City Administrator, to all city accounts.
3. On motion by Bradley Greene, seconded by Kevin Stanley, in favor Nan Bowen and Annie Sutton and carried unanimously, the Mayor and Council voted to close safe deposit box #419 at United Community Bank.
4. On motion by Annie Sutton, seconded by Nan Bowen, in favor Kevin Stanley and Bradley Greene, and carried unanimously, the Mayor and Council approved the minutes of March 5 and March 12, 2018.
5. Public comments – Beth Truelove, Chamber President, thanked the city for its assistance during Eggstravaganza and the event on the square.
Annie Sutton added the Historic Courthouse had numerous visitors the day of the event. Judy Lovell thanked the Cleveland Fire Department for helping visitors cross the street to the courthouse. The department was very helpful and friendly to visitors to the city.
Annie Sutton stated the new city hall signs looks good and the work crew did a good job on replacing the roof. Ms. Sutton also thank the Cleveland Police Department for a quick response to her home during a recent incident.

OLD BUSINESS

There was no old business to discuss.

ADJOURNMENT

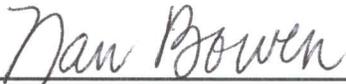
On motion by Nan Bowen seconded by Bradley Greene, in favor – Annie Sutton and Kevin Stanley and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of April 2, 2018 at 7:20 p.m.



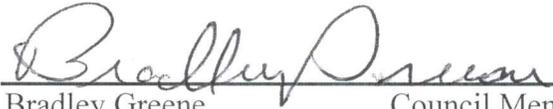
Shan Ash, Mayor



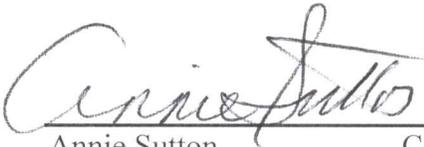
Kevin Stanley, Council Member



Nan Bowen, Council Member



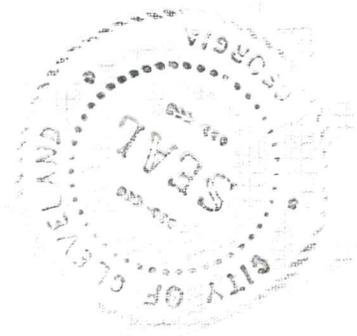
Bradley Greene, Council Member



Annie Sutton, Council Member

ATTEST: 

Connie Tracas, City Clerk



NADINE WARDENGA – PLANNING AND ZONING BOARD – APP. #2027 JOE CAMPBELL, 216 CHURCH STREET, LOT SIZE VARIANCE REQUEST - continued

Mr. Sam Pelletier questioned Mr. Campbell if there was anything unique or something that would qualify the request for the variance. Mr. Campbell reiterated he felt the lot was big enough to build a small home. Mr. Pelletier expressed his concern of setting a precedent if the variance was granted. Mr. Pelletier did not feel there were any underlying factors to consider the variance request.

Ms. Henrietta Sutton reminded the board of the requirement for half-acre lots. Current and past board members worked long and hard with the city council to increase the lot sizes. Ms. Sutton added the variance could “open up a can of worms” with no avenues to deny future requests.

Ms. Nadine Wardenga stated she did not feel a new home would affect traffic. Ms. Wilma Pittman agreed, but added the point of the increase lot sizes was to reduce crowding. Ms. Sutton does not want the board to set a precedent by allowing lots of less than a half-acre.

Ms. Wardenga asked if anyone in attendance had comments on the zoning request. No one spoke to the request. Ms. Wardenga asked for a motion on the request.

On motion by Henrietta Sutton, seconded by Wilma Pittman, in favor - Sam Pelletier, Linda Hobbs, Arthur Palmer, Jessica Adams, and carried unanimously, the Planning and Zoning Board voted to deny the request of Mr. Joe Campbell requesting a variance to reduce a lot size for the construction of a new home, Tax Map and Parcel C01B- 071 located at 216 Church Street.

Ms. Wardenga reminded Mr. Campbell the Mayor and City Council will make a final decision at the April 9, 2018 City Council Meeting.

Mayor Ash asked if anyone was present to represent the application. Mr. Joe Campbell was not present and no one was present to represent the application. It was questioned if the council should act without the applicant present. It was determined the zoning code does not require the applicant to be present.

Ward Gann questioned the location of the property and was informed the property is next to the former Weslyn Church. Bradley Greene stated the request does not meet the required lot size would create two lots that would not meet city specifications. Kevin Stanley informed the existing house would remain and a new home would be built if the variance were to be approved.

Ms. Wardenga feels the variance request would “open up a can of worms” if granted and open the door to others that want to split up property and added Mr. Randall Campbell could not give a reason for a hardship variance. Annie Sutton expressed her desire for the city to follow its own ordinances. Mayor Ash noted, for the record, Mr. Joe Campbell was not present for the decision of the Mayor and Council. Mr. Campbell was informed by Tom O’Bryant, Kevin Stanley, and was stated at the Planning and Zoning Board, as recorded in the board minutes.

On motion by Bradley Greene, seconded by Annie Sutton, in favor Kevin Stanley, and carried unanimously, the Mayor and Council voted to accept the recommendation of the Planning and Zoning Board and deny the request of Mr. Joe Campbell requesting a variance to reduce a lot size for the construction of a new home, Tax Map and Parcel C01B- 071 located at 216 Church Street.

DAVID LANPHEAR – BUILDING OFFICIAL

Tom O’Bryant introduced David Lanphear as the new city building official. Mr. O’Bryant explained after a long and distinguished career, Paul Norris decided to retire in March of this year, which left the position of building inspector open for advertising. With the adoption of the property maintenance code, the increase in code and planning duties, it was in the city’s best interest to focus on qualifications to meet the goals of planning, inspections and code enforcement.

Mr. O’Bryant worked with Mr. Lanphear at the White County Building Department. Mr. Lanphear assured the Mayor and Council was not recruited and he applied for the position. Mr. O’Bryant informed Mr. Lanphear is certified in numerous areas of inspections, review, and planning. Annie Sutton welcomed Mr. Lanphear to the city. Mr. Lanphear offered his assistance to the Mayor and Council for needs or concerns.

PUBLIC HEARING IF WINDSTREAM CABLE TV – RESOLUTION 2018-09 – FINDING WINDSTREAM IN VIOLATION OF THE GEORGIA CODE CONCERNING FRANCHISING OF CABLE AND VIDEO SERVICES FOR FAILURE TO COMPLY WITH AUDIT REQUEST OF BUSINESS RECORDS

Mr. Tom O’Bryant discussed the need for Resolution 2018-09 finding Windstream in Violation of the Georgia Code Concerning Franchising of Cable and Video Services for Failure to Comply with Audit Request for Business Records.

- a. The City adopted a resolution in 2014 to establish a franchise fee applicable to holders of cable and video franchises issued by the State of Georgia.
- b. The City of Cleveland, through its membership with GMA, has requested and contracted to conduct a Franchise Fee Payment Compliance Review to determine the accuracy of franchise fees, incurred, collected, and remitted under the existing franchise agreement.
- c. Windstream has failed to properly respond to the audit request.
- d. Under the guidance of GMC Local Government Services it is recommended to hold a public hearing on the matter and to adopt a resolution identifying Windstream’s responsibility and obligation to comply with the City’s request, and declare that Windstream is in violation of O.C.G.A 36-76-6 (c) to comply with the City’s request for review and remittance of any fees due to the City.

Mr. O’Bryant was informed before the meeting of Windstream, in response to hearing of the resolution, is beginning to provide the required audit documents. Mr. O’Bryant recommended the Mayor and Council adopt the ordinance to avoid this situation in the future.

Mayor Ash read Resolution 2018-09

A RESOLUTION OF THE CITY OF CLEVELAND FINDING GEORGIA TELEVIEW LLC (aka "WINDSTREAM") IN VIOLATION OF THE GEORGIA CODE CONCERNING FRANCHISING OF CABLE AND VIDEO SERVICES FOR FAILURE TO COMPLY WITH THE AUDIT REQUEST OF WINDSTREAM'S BUSINESS RECORDS TO ENSURE PROPER PAYMENT

PUBLIC HEARING IF WINDSTREAM CABLE TV – RESOLUTION 2018-09 – continued

RECITALS:

1. Teleview LLC, operating as Windstream or Georgia Windstream or Windstream Communications, ("Windstream"), has been providing cable television video service in the City of Cleveland ("City") and remitting the franchise fee in accordance with O.C.G.A. § 36-76-6.
2. The City has been receiving funds from Windstream on a quarterly basis indicated as being for the cable TV video franchise fee at 5%.
3. The O.C.G.A. § 36-76-6 (c) states "Each affected local governing authority may, no more than once annually, audit the business records of the state franchise holder to the extent subsection, an audit shall be defined as a comprehensive review of the records of the holder of a state franchise."
4. On or about November 27, 2017, the City sent an Audit Authorization letter to Windstream requesting Windstream to comply with a review of the Cable TV franchise fees, and naming the 'Georgia Municipal Association and their subcontractor Local Government Services as their consultant performing the review. The Request for Financial Information from Local Government Services was sent the same day.
5. Numerous reminders and requests for compliance were sent to Windstream (via email), notably on January 15, February 1, and February 5, 2018.
6. On February 5, 2018 Windstream wrote Local Government Services (via email) acknowledging the audit.
7. Numerous emails between Windstream and Local Government Services were exchanged between February 5 and February 27, 2018.
8. On February 27, 2018, an email from Windstream to Local Government Services was received indicating that compliance was forthcoming. However, to date no data has been delivered to satisfy the audit request.
9. On March 16, 2018 an email from Windstream to Local Government Services was received (see Exhibit A attached hereto and made part of this Resolution) indicating that compliance with the audit is not a priority, that it was not a compliance issue, and that data may be provided "as a courtesy" only. No estimated delivery date for data was stated. Further, Windstream urged no more emails regarding the City of Cleveland be sent.
10. The City does not relieve Windstream of its obligation to comply with the audit request.

NOW, THEREFORE, the City of Cleveland, Georgia hereby resolves as follows:

- I. Windstream is obligated to comply with O.C.G.A. § 36-76-6.

PUBLIC HEARING IF WINDSTREAM CABLE TV – RESOLUTION 2018-09 – continued

2. Windstream is in violation of O.C.G.A. § 36-76-6 (c) for failure to respond properly to the audit request.
3. City hereby reserves any and all rights it may have under O.C.G.A. § 36-76-6 and other applicable law to seek monetary damages and/or penalties against Windstream for said violation, including any right to terminate Windstream's access to right-of-ways and any franchise for non-compliance.

This Resolution shall take effect and continue and remain in effect from and after the date of its passage, approval, and adoption.

RESOLVED this 9th day of April 2018.

On motion by Bradley Greene, seconded by Annie Sutton, in favor Kevin Stanley, and carried unanimously, the Mayor and Council voted to approve Resolution 2018-09 finding Windstream in Violation of the Georgia Code Concerning Franchising of Cable and Video Services for Failure to Comply with Audit Request for Business Records.

DOWNTOWN CLEVELAND MERCHANTS ALLIANCE

Ward Gann spoke on behalf of the Downtown Cleveland Merchants Alliance and thanked the Mayor and Council for the assistance provided for the Spring Fling. The event was very productive and beneficial to the merchants on the square. Mr. Gann jokingly stated even Bradley and Charlie (Nix Hardware) thought it was a good event. The group would like to hold another event on May 26, 2018 and will work Chief Foster for police assistance.

Mr. Carl Dann, Smokey Mountain Trader, informed the Spring Fling was the best day with everyone working together to make the event successful. The alliance would like to hold a 50's and 60's music event with open tent and sidewalk sales. There is a need for assistance for pedestrians. Mr. Dann would like to know the fees to have a police presence on the square.

Chief Foster advised the group to submit a special events application so that he may plan for the event. Typically, off-duty officers work such events at a rate of \$35 per hour. These fees are paid direct to the officer and not the city. Mr. Greene asked if the expense could be paid from the downtown alliance fund. Mr. Dann will look into the funding.

Nadine Wardenga, Nadine's, commented her store had a very good day for sales and has had repeat business since the event. Mr. Greene, Nix Hardware, agreed he has also seen repeat business and felt the open tent sales did not impede access to the square.

BRIAN RINDT – CITY ENGINEER

1. The notice to proceed has been issued to the contractor for the repairs to the Warrior Tank. The contractor will begin equipment setup on April 11, 2018. The city has met with the contractor to go over construction details including access to the site.
2. Mr. Rindt has scheduled a visit to the Lula Wastewater Treatment Facility for Friday, April 13 at 9:00 a.m. to anyone interested in attending. Truett environmental students will visit the same day. The purpose of the visit is to explore different treatment options in advance of upgrading the city's wastewater treatment plant.

CHIEF RICKY PRUITT – FIRE DEPARTMENT

1. The department responded to 70 calls for the month of March – 43 inside the city (county assisted with 2 calls within the city) and 27 outside the city (10 of the calls outside of the automatic aid area).
2. The department is starting the yearly hydrant maintenance of flushing, weed-eating, and painting.
3. Air packs have arrived, been assembled and are in service.
4. The grant award process is now taking place with EMA for funding of a pumper truck.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

1. The active shooter training was held last Wednesday at the White County Middle School. Multiple emergency agencies participated in the drill as well as Truett students and teachers as crisis actors. The training went very well and enable law enforcement to identify areas in need of improvement.
Throughout the event, participants, including responding law enforcement, were not aware of the conditions of the scene. In this scenario, the officers walked into a smoke filled school, as the initial call was a fire alarm. The participants dealt with clearing the building and responding to the needs of victims. The plan is to continue with future training with different scenarios.
2. Chief Foster submitted a class request for the Gatlinburg conference. The conference will address the opioid and heroin crisis. The conference has scheduled US AG Jeff Session to address the crisis.

GRANT KEENE – CITY ATTORNEY

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

NATIONAL SMALL BUSINESS WEEK PROCLAMATION

Mayor Ash read the National Small Business Week Proclamation:

WHEREAS, America's progress has been driven by pioneers who think big, take risks and work hard; and

WHEREAS, from the storefront shops that anchor Main Street to the high-tech startups that keep America on the cutting edge, small businesses are the backbone of our economy and the cornerstones of our nation's promise; and

WHEREAS, small business owners and Main Street businesses in CLEVELAND, GA have energy and a passion for what they do; and

WHEREAS, when we support small business, jobs are created and local communities preserve their unique culture; and

NATIONAL SMALL BUSINESS WEEK PROCLAMATION - continued

WHEREAS, because this country's 28 million small businesses create nearly two out of three jobs in our economy, we cannot resolve ourselves to create jobs and spur economic growth in America without discussing ways to support our entrepreneurs; and

WHEREAS, the President of the United States has proclaimed National Small Business Week every year since 1963 to highlight the programs and services available to entrepreneurs through the U.S. Small Business Administration and other government agencies; and

WHEREAS, Cleveland, GA supports and joins in this national effort to help America's small businesses do what they do best – grow their business, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today.

NOW, THEREFORE, We, Mayor and City Council of Cleveland, GA, do hereby proclaim April 29 through May 5, 2018 as National Small Business Week "You Built This".

GIVEN UNDER HAND AND SEAL, by proclamation of the Mayor and City Council of the City of Cleveland, Georgia, this 9th day of April 2018.

The Mayor and Council signed the proclamation and presented it to the small business owners that were present at the meeting.

Mr. Keene asked the city clerk to make sure the language of the proclamation is in the minutes. The clerk annoyingly responded everything spoken is included in the minutes except for comments that are not relevant to the meeting or comments made to elevate ones status.

2018-08 FALSE ALARM ORDINANCE – 2nd consideration and possible adoption

Mr. O'Bryant reviewed the details and the reasoning for the false alarm ordinance.

- a. Growth in the functional (daytime) population through increased commercial and institutional uses within the City has created an increase in emergency alarms and calls for response from the City Public Safety Departments (Police and Fire).
- b. Often these alarms are false alarms which can occur for various reasons.
- c. False alarms detract from the valuable time Public Safety officials need to respond to a true emergency. False alarms also provide a financial burden on city funds.
- d. With the implementation of a False Alarms Ordinance, the City would encourage alarm owners and businesses to improve the operational effectiveness of their systems and reduce false alarms. It would also minimize risks to public safety caused by false alarms diverting limited public safety resources away from real emergencies; and promote the public safety by making alarm users in the City directly responsible for preventing false alarms.
- e. This type of ordinance would Ordinance governs Alarm Systems intended to summon a Public Safety Department and provides for the assessment of fines for excessive False Alarms.
- f. The purpose and goal of this ordinance would be to reduce or eliminate false alarms, which unduly burden the Police and Fire Departments and waste limited public safety resources.

On motion by Annie Sutton, seconded by Bradley Greene, in favor Kevin Stanley, and carried unanimously, the Mayor and Council voted to approve the 2nd consideration and adopt 2018-08 False Alarm Ordinance.

Brian Rindt relayed his own personal experience of lax alarm procedures at Rindt-McDuff. The local police department reminded him of the false alarm ordinance and fines and his company adjusted procedures.

TOM O'BRYANT – CITY ADMINISTRATOR

1. Water Loss

- a. The city water system is experiencing some high rates of water loss.
- b. Past city actions on this issue include conducting meter testing and calibration on large meters on the system where it was found that meters were operating incorrectly and were in need of calibration.
- c. Staff would like to move forward with the next run of large untested meters on the system. There are commercial meters that do not have backflows and the business owners will need to be notified to have one installed so that the meter may be tested.
- d. Public works has also recommended checking unmetered fire lines.

2. Jail Agreement – postponed until further information from Sheriff Walden.

3. Georgia EPD to Visit Construction Site within the City

- a. A complaint has been filed at Georgia EPD by a city resident against a building at a construction site located at the intersection of Hood Street and Helton Road.
- b. Georgia EPD forwarded the complaint to the City to investigate and the City is cooperating with the agency.
- c. City staff has conducted an investigation and found minor violations that can be addressed through site maintenance of erosion control measures that are currently in place.
- d. City staff contacted the builder and met concerning the complaint and findings of the investigation.
- e. The building has made improvements to the site and is continuing to monitor the site for potential soil erosion from the site.
- f. The City has met with the complainant to discuss the measures taken so far.
- g. Georgia EPD staff will be visiting the site on April 10th. Georgia EPD will be visiting sites within the county as well as the city.

4. Subway

- a. The company managing the development of the Subway site has had difficulty completing the project by not meeting compliance with state and local requires for highway access, environmental health and fire code.
- b. The company has hired a new firm to finish the project up. The new firm is Armentrout Matheny Thurmond.
- c. Staff will be meeting with them soon to develop a schedule of completion for the project.
- d. Arby's have plans to close on the Quillian Street property on April 27th.

NEW BUSINESS

- Public comments – there were no public comments

OLD BUSINESS

1. The minutes of March 2018 were signed.

EXECUTIVE SESSION – PERSONNEL AND REAL ESTATE

On motion by Annie Sutton, seconded by Kevin Stanley, in favor – Bradley Greene, and carried unanimously, the Mayor and Council voted to enter into an executive session to discuss possible litigation at 7:28 p.m.

RETURN TO COUNCIL MEETING

On motion by Bradley Greene, seconded by Kevin Stanley, in favor Annie Sutton, and carried unanimously, the Mayor and Council voted to return to the council meeting at 7:43 p.m. No further business was discussed.

ADJOURNMENT

On motion by Bradley Greene seconded by Kevin Stanley, in favor – Annie Sutton and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of April 9, 2018 at 7:44 p.m.



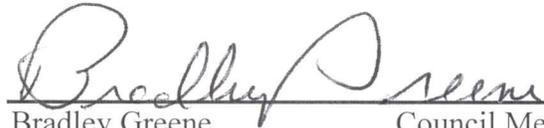
Shan Ash, Mayor



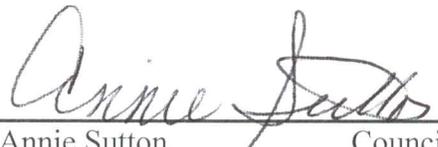
Kevin Stanley, Council Member

(ABSENT)

Nan Bowen, Council Member



Bradley Greene, Council Member



Annie Sutton, Council Member

ATTEST: 

Connie Tracas, City Clerk

