

**CITY OF CLEVELAND  
CITY COUNCIL MEETING  
OCTOBER 1, 2018  
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 6:30 p.m.

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

**APPROVAL OF AGENDA**

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 agenda of the October 1, 2018 City Council Meeting.

**CHIEF RICKY PRUITT – FIRE DEPARTMENT**

Chief Ricky Pruitt, Fire Department, submitted the activity statistics for September 2018. The department recorded 71 calls – 34 within the city limits and 37 outside the city limits (6 being outside the automatic aid area). The White County Fire Department assisted the city with one call in September.

**CHIEF JOHN FOSTER – POLICE DEPARTMENT**

Chief John Foster, Police Department, did not have new business to report.

**GRANT KEENE – CITY ATTORNEY**

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

**TOM O'BRYANT – CITY ADMINISTRATOR**

1. **Contract with RCCI for Design Build Services for the renovation of Oak Springs School**
  - a. On August 6, 2016 City Council was presented a proposal by RCCI for design build services for the renovation of the Oak Springs School in the amount of \$38,000 for design and engineering and for 7% of the construction costs. City Council adopted the proposal.
  - b. Staff and council members have met several times with RCCI to determine a design for the renovations of the building.
  - c. City Council voted to move the renovation of the project forward with services for abatement of the building and for engineering. Both of these items are currently being completed.
  - d. RCCI is presenting City Council with the formal contract for design build services for the renovation of the Oak Springs School. The contract amount is the same as presented in the proposal. The contract formalizes the desired services by City Council for RCCI to perform in the renovation of the old school.
  - e. City Council will vote and approve the contract with RCCI and authorize the Mayor to sign the contract.

On motion by Annie Sutton, seconded by Bradley Greene, in favor – Nan Bowen and Kevin Stanley, and carried unanimously, the Mayor and City Council voted to approve the expanded contract with RCCI, Inc. for the engineering and construction services for the Oak Springs Project. Mayor Ash was given authorization to sign the contract.

**TOM O'BRYANT – CITY ADMINISTRATOR – continued**

**1. Oak Springs School Project Update**

- a. Asbestos abatement testing was completed last month and RCCI sent out an RFP for abatement in September.
- b. Six proposals were received and CLEAN Environmental Group had the low bid and was selected to conduct this service. The bid amount to abate the building is \$36,025.00.
- c. The selected company has filed the project with EPA will begin abatement of the building soon. The Water Department is providing a new water cut-in for the company and RCCI has placed a request for a temporary power pole to be set for work on the site.
- d. Engineering is closed to being completed.
- e. RCCI is meeting with city staff to finalize the procedures for construction bids for the renovations. Advertisement for bids should go out in mid October. Mr. O'Bryant added the council should have bids to review in November.

Mr. O'Bryant informed the underground tank has been located approximately fifteen-feet from the building. The tank is intact and will be removed by the abatement company. There is no contaminant in the area.

**2. Draft Franchise Agreement with Habersham EMC**

- a. The City of Cleveland is provided consulting services by GMA and LGMS for right of way management.
- b. This service has assisted the city with the development of a right of way ordinance and franchise agreements with other utilities such as Windstream, Atlanta Gas Light and Georgia Power.
- c. LGMS has advised city staff that there is an opportunity for the city to have a franchise agreement with Habersham EMC for use of city right of way similar to the other utilities.
- d. LGMS has developed a draft ordinance for granting a franchise agreement with Habersham EMC. LGMS would negotiate the agreement on the city's behalf and develop the final agreement. Upon completion of the negotiations a final draft would be presented for City Council review and approval.
- e. Mayor and Council will need to approve entering into negotiations with HEMC and allow LGMS to negotiate the franchise agreement for the City with HEMC.

Grant Keene suggested the agreement exclude fiber optic so as to not interfere with other companies wanting to install fiber optic.

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 enter into negotiations with HEMC for a utility right-of-way agreement and to incorporate the recommendations of Grant Keene, City Attorney. Mayor Ash was given authorization to sign the letter to HEMC proposing the contract and negotiations.

**TOM O'BRYANT – CITY ADMINISTRATOR – continued**

**1. Water/Sewer Adjustment Policy**

- a. The City is beginning to see a big problem with providing adjustments for water leaks.
- b. After studying the issue staff has found that there is a lack of maintenance by property owners, in particularly apartment complexes. Instead of the property owner maintaining the property and/or assisting the tenant with a large utility bill, they literally tell the tenant they will wait to see what the city will take off the bill before they do anything. This is due to a policy adopted in 1996 (minutes of February 12, 1996) which allows the following:
  - i. Loss must exceed 150% of the average of the past 3 months readings
  - ii. The adjustment will be 50% of the average of the past 3 months readings
  - iii. The sewerage charges related to the excess will be deleted if it can be shown that the lost water did not enter the sewer. If the lost water did enter the sewer the excess will be reduced by 50%
  - iv. No user can claim more than one such bill reduction in any 12-month period.
- c. There is not another utility company that gives adjustments due to the fault of the utility customer. The city is “eating” the cost by the poor maintenance practices of property owners. This will eventually cause the city to look at increasing water/sewer rates. In the past three years the city has issued over \$30,000 in adjustments.
- d. City staff is requesting City Council to please consider the following as an update policy for water/sewer adjustments:
  - i. Adjustment request is only for line breaks on the property or leaks within the building.
  - ii. The loss must exceed 200% of the average 3 month readings.
  - iii. Proof of repair must be presented at the time of the request.
  - iv. The adjustment will be 20% of the average 3 months readings.
  - v. Must show definitive proof the water loss did not go into the sewer system to receive a full adjustment for sewer charges. If water loss went into the sewer system and exceeds 200% average, the adjustment will be 20%.
  - vi. Sewer adjustments will be made for those filling pools. Water adjustments will not be made for filling pools.
  - vii. No user can claim more than one such utility bill reduction in any 24 month period.
  - viii. Penalties do not qualify for an adjustment.
  - ix. Leaks, caused by city equipment, will receive a full adjustment.
- e. In addition, City staff would like to start researching and obtain pricing to change all apartments to a master meter program. There are several apartment complexes that are on master meters – Whitehall, Hillside, Gateway Manor, and Valley Manor. This relieves the city of meter maintenance and replacement. Such a change will help improve the city’s ability to efficiently operate the utility system.

**TOM O'BRYANT – CITY ADMINISTRATOR – continued**

The council discussed their concern of the amount of adjustments that have been issued. There is an understanding of the policy in place, but true concern of the lack of maintenance from property owners, in particularly apartment owners. Most owners will not give the tenant relief on a water bill and directs the tenant to the city for an adjustment. The city is not relieved of the cost of the water going through the system. City staff is very diligent in notifying a utility customer if the water usage is high and increasing. The utility billing system will capture over 90% of high usage.

Several members of the council felt the policy should be eliminated. The council asked if the policy could be revised to limit to outside line breaks and to add the cost of water to use over 20% of the average.

Staff will revise the amendment for the October 8, 2018 City Council Meeting.

**NEW BUSINESS**

1. 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 minutes of September 10, 2018.
2. Public comments – Annie Sutton informed the council Mr. Hughes, Ed Hughes Films, went ahead and filmed without having a permit from the city. Chief Foster will check the cameras at the city park to see if the group filmed at the park. The council had set conditions to filming within the city to specific times and dates, and to hire an off-duty police officer. Mr. Hughes did not submit a revised application to the city for approval.

Mayor Ash thanked everyone involved with Agri-Fest held Saturday, September 29. Beth Truelove, White County Chamber of Commerce, expressed her appreciation of city staff, police, and public works. Chief Foster informed he made a decision to allow tractors to park on Quillian Street. Visitors and shoppers were parking on the square and Chief Foster felt it would be safer to have the tractors on Quillian St.

Bill Huff, White County Historical Society, stated the historic courthouse has the only public restroom on the square and visitation doubled on Saturday.

Mr. David McDonald, Field Representative for Congressman Doug Collins, was present and offered assistance to the city for future projects or needs. Chief Foster stated his concern of the “swamp” in DC and the need to get things done in Washington.

Mayor Ash continued to ask for further public comments. There was no further comments.

**OLD BUSINESS**

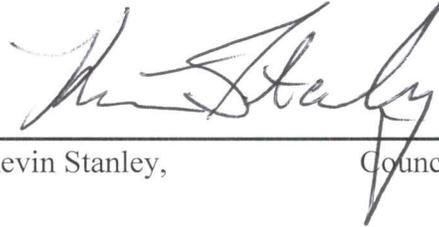
1. The minutes of August 2018 were signed.

**ADJOURNMENT**

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 adjourn the City Council Meeting of October 1, 2018 at 7:08 p.m.



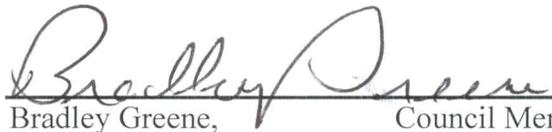
Shan Ash, Mayor



Kevin Stanley, Council Member



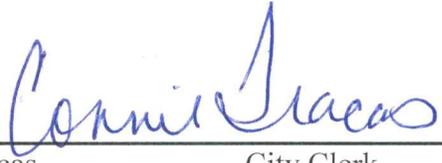
Nan Bowen, Council Member



Bradley Greene, Council Member



Annie Sutton, Council Member

ATTEST: 

Connie Tracas, City Clerk

