

CITY OF CLEVELAND
CITY COUNCIL MEETING
JUNE 14, 2021
MINUTES

CITY COUNCIL MEETING

The City Council Meeting of the Mayor and Council of the City of Cleveland was called to order by Mayor Josh Turner at 6:30 p.m.

COUNCIL MEMBERS PRESENT: Nan Bowen, Rebecca Yardley, Kevin Stanley and Bradley Greene.

APPROVAL OF AGENDA

On motion by Rebecca Yardley, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene and carried unanimously, the Mayor and City Council approved the agenda for the June 14, 2021 City Council Meeting.

ASSISTANT FIRE CHIEF MICHAEL ARMOUR – FIRE DEPARTMENT

Assistant Fire Chief Michael Armour presented the fire department statistics for May 2021. The department responded to 100 calls, with 50 being within the city and 50 being outside the city limits. The White County fire department responded in the city 4 times during the month of May.

CHIEF JEFFERY SHOEMAKER – POLICE DEPARTMENT

Chief Jeffery Shoemaker, Police Department, presented the department statistics for May 2021.

Community Oriented & Proactive:

Public Assist	876
Premises Check	483
Field Interview	2

Reporting:

Incident Report	57
Accident Report	30
Investigative / Supplemental	79
Administrative Duties	285

Actions taken:

Citation	78
Warnings	162
Warrants	15
Juvenile	2
Total:	2069

Citation Breakdown:

- Misdemeanor, non-traffic- 4
- DUI, Alcohol, & serious offenses- 5
- Driver's license, Registration, & Insurance- 19
- Moving violations, traffic control, etc- 38
- Equipment, seatbelt, etc- 12

GRANT KEENE – CITY ATTORNEY

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

TOM O'BRYANT – CITY ADMINISTRATOR

1. Review and Approval of Liability Insurance for FY22

- a. The 2021/2022 liability insurance has been provided by Kern Parks, Norton Insurance.
- b. The company sends the city's policy out for bid to obtain the best quote.
- c. The City's current provider, Selective Insurance, contract is set to expire June 30, 2020. Selective has proposed to increase the city's premium to \$109,290.
- d. Bids came in and Apex Liability Insurance provided a bid of \$89,206. This includes general liability, police professional liability, public official, employment practices, cyber liability, automobile liability, crime, property, flood/earthquake, inland marine, terrorism, and umbrella.
- e. The cyber security bid is proposed at \$6,848
- f. This bid is within the budget set for FY22.
- g. Staff recommends the City Council approval and acceptance of the APEX Liability and Hiscox Cyber proposals for insurance for FY22.

On motion by Bradley Greene, seconded by Nan Bowen, in favor – Rebecca Yardley and Kevin Stanley and carried unanimously, the Mayor and Council voted to approve the insurance proposal submitted by Norton Insurance for coverage through APEX/XL CATLIN/AmGUARD Liability Insurance.

On motion by Bradley Greene, seconded by Kevin Stanley, in favor – Nan Bowen and Rebecca Yardley, and carried unanimously, the Mayor and Council voted to approve the insurance proposal submitted by Norton Insurance for coverage through HISCOX Cyber Liability Insurance.

2. Turner Creek Water Treatment Plant Capital Reserve Contribution (Wheelage Agreement)

- a. At the June 7, 2021 meeting, city council voted to keep the wheelage (capital reserve account) contribution on the budgeted wholesale rate for the production cost of water at 20% and any overages due be paid to the city. The White County Water Authority voted to pay a 30% wheelage and all overages (or balance due) be paid into the treatment plant capital reserve account.
- b. At the WCWA June 10, 2021 meeting the city's position to keep the wheelage at 20% was explained to the board. After the discussion, the board voted to keep the wheelage at 30% and operate the budget with the 30% contribution. The current wheelage agreement expires on June 30, 2021. Staff is researching the city's responsibility and obligation for the plant if no wheelage agreement is reached.
- c. Water Authority staff has been requested to come to city council and explain the reasons for the proposed increase.

Mr. O'Bryant informed as of this afternoon, he had not received a narrative from Mr. Edwin Xin, Executive Director White County Water Authority, of the need for the additional funds. Mr. O'Bryant expressed the need to keep city rates affordable.

TOM O'BRYANT – CITY ADMINISTRATOR – continued

Rebecca Yardley questioned the need for negotiating as the City Council have voted to keep the wheelage at 20%. Mr. O'Bryant informed the agreement sets the rates and requires the Turner Creek budget is reviewed and approved by the City Council before it's adopted by the Water Authority Board. The board has not submitted a budget for approval for years. The board, without discussion with the City Council, approved the budget with the 30% increase in the wheelage.

Kevin Stanley stated the City did not receive a response from Mr. Nix on Friday and no response today and no representation at the council meeting. Mr. Stanley added the water authority board must not think the issue is important. Mr. Stanley agreed with the previous comment of Ms. Yardley that the council has voted four to zero on keeping the wheelage at 20%. Mr. Stanley expressed the city must consider its own needs and projects. Bradley Greene agreed and stated there was no split on the vote, it was unanimous.

Mr. Stanley stated unless there is a underlying reason to consider an increase, the council has made it clear the wheelage is 20%.

Mayor Turner asked who drafted the agreement. Mr. O'Bryant stated Me. Keene, but he had modified to include current dates.

On motion by Rebecca Yardley, seconded by Bradley Greene, in favor – Nan Bowen and Kevin Stanley, and carried unanimously, the Mayor and City Council voted to sign the agreement to reflect the unanimous vote of June 7, 2017 to set the wheelage rate at 20% payable to the Turner Creek Treatment Plant.

3. American Rescue Plan (ARP) Approval of Terms and Conditions

- a. The application period for funds available to the City of Cleveland from the ARP Local Fiscal Recovery Fund is open from June 7 to June 21, 2021.
- b. To access the funds the city must use the Office of Planning and Budget portal and complete the application process. Part of the application submittal is the signed agreement for the Terms and Conditions with Assurances. The Terms and Conditions document must be signed digitally by an authorized representative of the city.
- c. The Terms and Conditions require expenditure of the funds only for eligible uses, compliance with reporting requirements, maintenance and access to records, compliance with Federal Laws and Regulations such as the Fair Housing Act, the Rehabilitation Act, the Age Discrimination Act, the American with Disabilities Act, the Hatch Act, protection for Whistleblowers, federal orders for increase seatbelt use and reducing text messaging while driving as it applies to employees, contractors, etc. It also included specifically Assurances of Compliance with Title VI of the Civil Rights Act of 1964.
- d. The Terms and Conditions found in this application are very similar to terms and conditions found in grant funds the city has received and utilized in the past such as ARC fund, EDA funds, CDBG and similar assistance where federal funds are disbursed through state agencies. Funds received through this program must be spent by December 31, 2024.

TOM O'BRYANT – CITY ADMINISTRATOR – continued

- e. If accepted, city council will need to determine how best to spend the funds within the guidelines provided by the US Department of the Treasury.
- f. Staff recommends City Council approve the terms and conditions for application of the funds and to designate the Mayor, as the authorized representative, to sign the terms and conditions document for submittal.

Kevin Stanley asked if there were any hidden condition that may disqualify the city or cause the city to have to pay back. Mr. O'Bryant answered the terms are still being set, but did not feel there would be any issues. The funds can be used for COVID needs and infrastructure such as a generator for the Oak Springs building. Projects may include new wells and line improvements. The funds are administered through a "draw-down" in which the city requests the funds for each project until the allocated amount is depleted. The funds will be allocated within a two year period and projects must be completed by 2024.

Mayor Turner asked if the city had a policy requiring employees to wear seatbelts and not to text and drive. The City Clerk informed it is an unwritten policy (not specifically stated in the personnel manual). Mayor Turner asked that it made a part of the Cleveland personnel manual. Ms. Yardley informed there are laws in place that address seat belt use and texting while driving.

On motion by Rebecca Yardley, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene and carried unanimously, the Mayor and Council voted to approve the American Rescue Plan application and authorized Mayor Turner to sign.

4. Upcoming Council Meetings

Mr. O'Bryant informed the July 5, 2021 City Council meeting will fall on the city's observation of July 4th as the holiday falls on a Sunday.

The GMA convention will fall on the second Monday in August and most of the council will be attending the convention.

The Mayor and City Council agreed to cancel the City Council meetings of July 5 and August 9, 2021.

NEW BUSINESS

- Public comments – Ms. Yardley asked to go on record to thank the ladies at city hall for all the hard work. Ms. Yardley stated city staff is working hard while being short-handed and it has not gone unnoticed.

OLD BUSINESS

- The minutes of May 3 and May 10, 2021 were signed.

ADJOURNMENT

On motion by Bradley Greene, seconded by Rebecca Yardley, in favor – Nan Bowen and Kevin Stanley and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of June 14, 2021 at 6:55 p.m.



Josh Turner Mayor



Kevin Stanley Council Member
 Ward 3



Nan Bowen Council Member
 Ward 1
 Mayor Pro Tem



Bradley Greene Council Member
 Ward 4



Rebecca Yardley Council Member
 Ward 2

ATTEST: 

Connie Tracas City Clerk

