

CITY OF CLEVELAND
CITY COUNCIL MEETING
SEPTEMBER 10, 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 6:32 p.m.

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

APPROVAL OF AGENDA

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 agenda for the September 10, 2018 City Council Meeting with the addition of Eric Hughes to discuss a special events permit application to film on Hood Street and Woodman Park.

ERIC HUGHES – SPECIAL EVENTS APPLICATION

Mr. Eric Hughes, founder of Ed Hughes Films, came before the Mayor and Council to seek approval for a special events application to film an independent movie on Hood Street and at the city park.

Mr. Hughes explained he is filming a movie about the life of family experiencing domestic violence. Mr. Hughes informed the film is not about drugs or alcohol.

Nan Bowen asked if Mr. Hughes was requesting street closures. Mr. Hughes answered no. Bradley Greene asked if Mr. Hughes was requesting the city park to be closed and Mr. Hughes again answered no. The time frame for the use of the park and Hood Street will be based on the time of production. The proposed date for the filming is September 22, 2018.

Mr. Hughes informed he chose to film at Hood Street because he goes to church in the area (St. John's Church). Annie Sutton asked what part of Hood Street did he plan to film. Mr. Hughes answered between the church and homes on the street. Ms. Sutton informed nothing has been said to anyone in the neighborhood of his plans to film and is concerned of filming resident's homes. Mr. Hughes informed he has spoken with Pastor Bryan Sutton and the church deacons about filming inside the church. Ms. Sutton noted the church members do not know anything about the film. Ms. Sutton is not a member of St. John's but has family members that attend. Mr. Hughes assured that no one's home would be seen in the film.

Ms. Sutton asked of the ethnic backgrounds for the actors. Mr. Hughes answered, African-American, Mexican, Caucasian, a combination of races.

Mr. Hughes was asked what was the scene at the city park. Mr. Hughes answered the scene would be two detectives meeting.

Chief John Foster stated he would hate to see Hood Street, the Woodman Park, or any place in the city be shown in a bad light. Mr. Hughes stated the film is not about drugs or alcohol. Mr. Hughes assured that no area in the city would be identifiable in the film. Chief Foster informed film companies typically rent areas for production. Mr. Hughes feels the film crew will not interfere in the area as, in his opinion, there is not a lot of traffic on Hood Street. The full council and others disagreed with him explaining there is a lot of traffic down Hood Street.

ERIC HUGHES – SPECIAL EVENTS APPLICATION – continued

Tom O’Bryant, City Administrator, recommended the film company hire police officers to be on standby. Mr. Hughes stated he has 911 on his phone and can call an officer anytime. Chief Foster informed Mr. Hughes will need to hire off-duty officers as he does not have the staff to watch over the filming. Mr. Hughes stated it was an independent film and there would not be film trucks. Brian Rindt stated filming naturally draws a crowd.

Chief Foster asked how long will the filming last in each area. Mr. Hughes answered maybe 30 to 45 minutes at the park. Chief Foster questioned the scene for Hood Street and the direction of filming. Mr. Hughes informed the scene would be “hecklers messing with a troubled youth” and would try to film where no buildings would be seen.

Annie Sutton asked if Mr. Hughes is willing to pay for off-duty officers. Mr. Hughes answered yes.

Grant Keene asked if the film was G-rated. Mr. Hughes answered not G-rated but also not R-rated. Mr. Keene also asked about the distribution of the film. Mr. Hughes stated Vimeo, Amazon Prime and working with others.

Ms. Sutton expressed her concern of filming on Hood Street. Ms. Sutton and her family live on Hood Street, not far from the church. Ms. Sutton stated she has no control of the pastor at St. John’s Church but she know the members of the church are unaware of filming inside the church. Ms. Sutton reiterated the issue of traffic on Hood Street.

Chief Foster suggested Mr. Hughes resubmit his application stating dates, times, and exact locations for the filming and have Mayor Ash to review and approve if everything is in order.

On motion by Annie Sutton, seconded by Bradley Greene, in favor – Nan Bowen and Kevin Stanley, and carried unanimously, the Mayor and Council voted to direct Mr. Hughes to resubmit the application to include the dates, times, and exact locations for filming, to be reviewed by Mayor Ash. If approved, Mr. Hughes must hire at least one off-duty police officer at \$35.00 per hour.

Annie Sutton stated the city needed an ordinance for filming within the city.

BRIAN RINDT – CITY ENGINEER

1. GDOT will advertise for construction bids in October for phase three of bypass. The bids should be awarded in November.
2. Mr. Rindt met with Ricky Hunt, Andrea Smith, and Tom O’Bryant concerning an issue with air relief valve bands breaking from the Truelove sewer line. The team is researching how to address and repair the bands.

CHIEF RICKY PRUITT – FIRE DEPARTMENT

Chief Ricky Pruitt, Fire Department, submitted the department's monthly statistics for August 2018. The department responded to 77 calls – 44 inside the city and 34 outside the city (9 being outside the automatic aid area).

The department is preparing for an audit by ISO. Ms. Bowen asked if Chief Pruitt feels the audit will go ok. Chief Pruitt answered no, but there are a lot of variables to consider.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

Chief John Foster, Police Department, did not have new business to report. Chief Foster informed his department has been very busy and eluded to emails he has sent to the council concerning fighting crime.

GRANT KEENE – CITY ATTORNEY

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

TOM O'BRYANT – CITY ADMINISTRATOR

1. **Georgia Mountains Regional Commission contract for ARC grant administration**
 - a. In the August 28, 2018 city council meeting it was announced that the City received an Appalachian Regional Commission Grant in the amount of \$274,534 for water line improvement upgrade from the Warrior Tank to FNOK.
 - b. The amount requested will fund 50% of the project costs. The City's cost share of the project is \$174,535. White County is also contributing \$100,000 to the project.
 - c. The City Council voted to accept the grant and authorized the Mayor to sign the grant agreement and grant certification forms.
 - d. Georgia Mountains Regional Commission assisted the city with the grant application and provided guidance through the application process.
 - e. Staff recommends that the City contract with Georgia Mountains Regional Commission to provide administration services for the ARC grant.
 - f. The contract amount will be \$23,464 which will be funded from existing SPLOST funds.
 - g. Mayor and Council will need to approve the proposed contract for grant administration of the ARC grant in the amount of \$23,464.

Mr. O'Bryant added Georgia Mountains Regional Commission will provide the required three year follow-up after the project is completed.

On motion by Annie Sutton, seconded by Nan Bowen, in favor Kevin Stanley and Bradley Greene, and carried unanimously, the Mayor and Council voted to approve the agreement with Georgia Mountain Regional Commission to administer the ARC Grant for the water line upgrade at Hulsey Road in the amount of \$23,464.00.

TOM O'BRYANT – CITY ADMINISTRATOR - continued

2. Right of Way Service Agreement with North Georgia Network

- a. The North Georgia Network (NGN) provides fiber optic internet services to the North Georgia Region, including the White County/City of Cleveland area.
- b. NGN, which is a partner with HEMC, normally uses existing HEMC telephone/power poles to carry to fiber optic wire needed for such broadband service. They have been using poles within Georgia DOT right of way
- c. Approximately one year ago the city sent NGN a franchise service agreement so they could service customers within the city limits, but NGN stated that they were not a television or telephone company so the standard franchise agreements do not apply to them. So, no action was taken at that time by the company to service potential customers in the City.
- d. NGN currently has a client within the city that they would like to serve, but must encroach on city right of way.
- e. City code states that any utility that wants to use city right of way must have a service agreement with the city.
- f. City staff has been working with GMA Local Government Service to develop a model service agreement that can apply to the types of services provided by NGN and will comply with city code of operating within city right of way and also compensate the city for use of the right of way.
- g. Mayor and Council will need to adopt the model agreement, which will then be sent to NGN for their approval and signature.

Mr. O'Bryant informed Mr. Keene added another provision addressing breach of agreement/contract. The fee schedule is based on linear feet used on the city's right of way. Mr. Keene explained each permit will identify an area NGN will be able to operate within.

On motion by Bradley Greene, seconded by Annie Sutton, in favor Nan Bowen and Kevin Stanley, and carried unanimously, the Mayor and Council voted to accept the right of way agreement between the City of Cleveland and North Georgia Network.

3. Oak Springs School Project Update

- a. In order to prepare the building for renovations, the City Council previously approved to have a survey and testing conducted for hazardous materials, including asbestos. This work was performed on August 24 and August 31.
- b. RCCI has provided a copy of this report for council review.
- c. The report confirmed the existence of asbestos in various locations and former uses within the structure.
- d. RCCI sent out an RFP on September 4 to Asbestos Abatement Contractors to develop an abatement plan for the building.
- e. The design plan has been sent over to be engineered.

Mr. O'Bryant informed the majority of the asbestos is located in the boiler room and the RFP deadline for the abatement is September 10, 2018.

The city should be receiving costs on the project soon. There is an interest in having the property listed on a historic register. Georgia Mountain Regional Commission can assist the city in having the property listed historic.

TOM O'BRYANT – CITY ADMINISTRATOR - continued

4. City Appointment of Brian Alexander to the Northeast Georgia Housing Authority

- a. James Turner recently resigned from his position on the Northeast Georgia Housing Authority representing the City of Cleveland.
- b. After reaching out to the community, Brian Alexander has agreed to serve in the vacant position.
- c. Mayor and Council will need to approve the appointment of Brian Alexander to the Northeast Georgia Housing Authority representing the City of Cleveland.

On motion by Bradley Greene, seconded by Annie Sutton, in favor Nan Bowen and Kevin Stanley and carried unanimously, the Mayor and Council voted to appoint Brian Alexander as the city representative to the Northeast Georgia Housing Authority Board and authorized Mayor Ash to sign the appointment document.

5. Acceptance of Waterline Easement with GLM Cleveland, LLC – Arby's

- a. GLM Cleveland, LLC is currently constructing and will operate the new Arby's located on South Main Street.
- b. The site design for the facility call for grading down several feet. The lowering of the site would have ruptured the existing water line serving businesses in the vicinity of South Main Street and Quillian Street. Thus, the water line needed to immediately be buried at a greater depth.
- c. Staff research showed that the original water line was put in place with no utility easement. This was about the time the Talon factory was located in Cleveland.
- d. City staff negotiated a water line easement to bury the new line at a greater depth to prevent the line from being ruptured by the weight of vehicles using the new entrance off of South Main Street.
- e. Mayor and Council will need to accept the utility easement.

Grant Keene informed GLM Cleveland, LLC will need to add the corporate seal to the document.

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 accept the waterline easement from GLM Cleveland, LLC at the Arby's location on/at South Main Street and Quillian St.

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 provide police, fire and sanitation service for Agri-Fest September 29, 2018.
2. 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 class requests of Andrea Smith and David Lauderdale for training to receive water/wastewater credits.
3. On motion by Bradley Greene, seconded by Annie Sutton, in favor – Nan Bowen and Kevin Stanley and carried unanimously, the Mayor and Council voted to approve the minutes of August 6, 13, and 28, 2018.
4. Public comments – Annie Sutton thanked Grant Keene for sending out a revised version of the NGN agreement but asked he use a larger font in the future.

Bradley Greene discussed the issue with parking on the square. Mr. Greene continually receives complaint of the lack of parking on the square for those wanting to shop or do business in the area. Nan Bowen said she was approached with a complaint of parking on the west side of the square. Mr. Greene was very direct in saying the problem is with the employees of businesses parking all day on the square. Business owners have been informed their employees can park at the Chamber parking lot or behind their buildings.

NEW BUSINESS - continued

Public comments – continued

Mr. Greene added the employees have no consideration of those trying to business on the square. He feels employees are preventing other businesses to succeed on the square by not parking off the square and allowing customers to park. Mr. Greene would like a letter be sent to all the business owners of the requirement of parking off the square. His hope is the owners will see the importance of providing parking on the square for customers and visitors. The last resort is the city to declare the parking as municipal parking and regulate the area.

Chief Foster stated businesses should consider parking when they locate to an area. A franchise would look at what they would need and have a parking plan to accommodate customers. Chief Foster reminded the council of an ordinance presented several years ago, but never passed. It is hard to regulate parking without additional staff. Employees take up a third of the parking on the square and park all day, other businesses uses the parking as a vehicle billboard for their business.

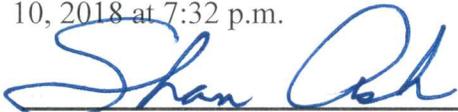
Beth Truelove, White County Chamber, informed the Cleveland Merchants Alliance, have tried to police themselves on the parking issue, but without success. Mr. Greene expressed his appreciation to Mr. and Mrs. Serba, owners of the Holcomb property, for offering use of their lot for parking. Mr. Greene questioned why the newspaper would not report on this issue. The parking issue has been discussed at numerous council meetings and it has not been reported. Debbie Gilbert, who works and parks on the square, stated it has been reported.

The Council directed Mr. O'Bryant to draft a letter to go to all the businesses around the courthouse square.

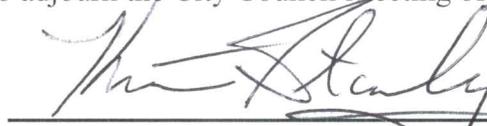
Annie Sutton asked everyone to continue praying for Dennese Stringfellow. Ms. Stringfellow continues to battle cancer and has several family members that are not well.

ADJOURNMENT

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 adjourn the City Council Meeting of September 10, 2018 at 7:32 p.m.



Shan Ash, Mayor



Kevin Stanley, Council Member



Nan Bowen, Council Member



Bradley Greene, Council Member



Annie Sutton, Council Member



Connie Tracas, City Clerk

