

CITY OF CLEVELAND
CITY COUNCIL MEETING
SEPTEMBER 9, 2019
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 6:30 p.m.

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

APPROVAL OF AGENDA

Mayor Ash asked if there were no changes to the agenda for a motion to accept as presented. Bradley Greene made a motion to remove the Letter to Pardons and Paroles from Old Business. Nan Bowen seconded the motion. Mayor Ash asked Mr. Greene his reason for wanting the item removed. Mr. Greene answered the issue seems to be resolved. Mayor Ash asked how is it resolved? Mr. Greene answered the original letter was never sent to pardons and paroles. Mayor Ash if that was confirmed. Mr. Greene informed he has tried to confirm the letter was not sent. Mayor Ash admonished the Council for having the letter on the agenda. Mr. Greene reiterated if the original letter was not sent there is no reason to have a letter to rescind.

Annie Sutton stated there could be an ethics violation in the original letter. Mayor Ash asked Ms. Sutton if she was accusing him of an ethics violation. Ms. Sutton answered she was not accusing anyone of anything, but added according to GMA (Georgia Municipal Association) the original letter would be considered an ethics violation. Mayor Ash informed Ms. Sutton, that as the senior council member, she should have known better. Ms. Sutton answered that she will not be accused. She was not informed the original letter was being written or sent. Mayor Ash stated this issue should not have been brought out in the public. Nan Bowen asked why he did not want the council to know he had written the letter. Mayor Ash responded by asking is the council satisfied this is all out in the open. Mayor Ash asked Kevin Stanley if he had any comment. Mr. Stanley answered a motion and a second has been made and it has been discussed. The council needs to vote whether to take off the agenda. Mayor Ash stated he hopes this is an end to all this. Mr. Greene made a motion to call for the question. Mr. Stanley corrected by stating the motion and second has been made and the council needs to take a vote.

Ms. Sutton asked if anyone has seen the letter if it has been returned. Mr. Greene asked Mayor Ash if he had the original letter. Mayor Ash stated he was not answering that question. Mr. Greene again asked if Mayor Ash received the original letter back on Friday. Mayor Ash stated he did not have in his possession. Mayor Ash cautioned Mr. Greene that he was going down a bad road and threatened possible litigation from the receiver of the letter. Mr. Stanley addressed Chief Foster. It has been said that Chief Foster composed the letter, did he include any identifying information such as name, address, social security number? Chief Foster answered yes it included identifying information. Mr. Stanley then asked Grant Keene, City Attorney, if it would be subject to open records. Mr. Keene stated it might be subject to open records. Mr. Stanley added no one is sure who can gain access to this information. Mr. Stanley stated they were dealing with a lot of hypotheticals if the letter is still out there. Chief Foster stated without the letter, it is here say if the packet was not sent.

APPROVAL OF AGENDA - continued

Mr. Greene responded sending the letter to rescind would make no sense if the original letter was never sent. Mr. Stanley answered the city does not know where the letter is located or what happened with it. Mayor Ash reiterated the motion to strike the agenda item and the motion to second and asked for a vote. Annie Sutton voted no. Kevin Stanley voted no due a personal connection of having a family member of the recipient of the letter reach out to him. Ms. Sutton expressed the council should be assured the letter has been destroyed or know that it has not been mailed. Mayor Ash instructed the city clerk to make sure Ms. Sutton's comment "to assume, makes an ass out of everyone" is in the minutes. Ms. Sutton said she did not have a problem with the comment being in the minutes.

Mayor Ash stated his job was to put this issue to bed and he voted to strike the agenda item. Grant Keene was asked if Mr. Stanley abstaining is considered a no vote. Mr. Keene informed it is equal to a no vote. Mr. Keene continued, if the vote was two to one it would not be necessary for the mayor to vote or for the mayor to vote for his benefit.

The motion carried with Bradley Greene and Nan Bowen in favor of striking the agenda item of letter to pardons and paroles. Annie Sutton voted in opposition of removing the agenda item. Kevin Stanley abstained from voting on the motion. As stated by Mr. Keene, Mayor Ash's vote was not needed.

BRIAN RINDT – CITY ATTORNEY

1. Rindt-McDuff is working on the plans for the wastewater treatment plant and thanked the council for approving the contract. The firm has been working on the Design Development Report (DDR) as part of the requirements of the plan. Several components are involved in the process. The firm has completed the environmental information, they are 60% completed with the dig study, and 40% completed with the DDR. The firm continues to work on the waste load allocation as the city has requested to increase to 1.5 mgd.
2. City staff and members of Rindt-McDuff has met with DOT on the utility move for phase three of the bypass. The city's plans are complete. Georgia Power has to move the concrete power poles but informed it would be next spring before they can complete the move. Fire Chief Ricky Pruitt asked if the hydrants can be moved above ground instead of the below ground location the hydrants are currently installed. Mr. Rindt stated the hydrants will be raised above ground.
3. The water line upgrade on Hulsey Road from 8" to 12" is ready to put for bid. The bidding process will begin once the city receives an encroachment permit from DOT. Bradley Greene asked if the city was on track with the time-table and Mr. Rindt answered yes.

CHIEF RICKY PRUITT – FIRE DEPARTMENT

Chief Ricky Pruitt, Fire Department, presented the department's statistics for August 2019. The department responded to 118 calls, with 41 being inside the city, 77 outside the city with 19 being outside the automatic aid area.

CHIEF RICKY PRUITT – continued

Chief Pruitt informed he has received from David Murphy, White County Emergency Management Director, there is an expectation of each fire station to respond to public assist calls. These are calls in which someone has fallen and needs help getting up or needs help getting in or out of the house, etc. Mr. Murphy has informed the local EMS is short-handed and is asking for the assistance of the local fire departments. Chief Pruitt expressed his concern of the liability and safety of his staff if they are assisting someone that is of too much weight. Mr. Murphy has advised that two stations will respond to those that are over-weight to assist. Chief Pruitt assured the council his department will respond to all calls, but will have to leave a public assist call if there is a greater need for emergency personnel elsewhere.

Chief Pruitt presented class requests for Will LaPree and Tyler Teague to attend the child safety seat training. It is a three-day class at \$95 for each participant. The program, started by local agencies including Cleveland Police and Fire, is beneficial to the community. Chief Pruitt would like to have more on staff that are certified. The inclusion of the two fireman will give the department four certified positions. On motion by Annie Sutton, seconded by Bradley Greene, in favor – Nan Bowen and Kevin Stanley, and carried unanimously, the City Council approved the class requests for Will LaPree and Tyler Teague to attend child safety seat training.

Annie Sutton thanked Chief Pruitt and his staff for the quick response time of three-minutes to her cousin's baby choking. The mother is very young and did not know what to do when the baby began choking. The fire department gave the mother instructions on how to handle in the event the baby chokes again in the future.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

1. Chief Foster informed he will send two officers to the child safety seat training.
2. Chief John Foster, Police Department, presented a video of one of his officers responding to a drug overdose and administering Narcan. Narcan is an antidote to reverse the effects of drug use until the patient can get proper care. In this particular incident, Cleveland Police was the closest agency to respond to the emergency on Town Creek Road. Officer Raymond Rutledge administered Narcan and continued to try to stimulate the patient by rubbing his sternum. Rubbing the sternum causes pain in which typically gets a response from a patient. Within eight to nine-minutes the patient was beginning to respond to Narcan. Chief Foster informed Narcan is \$75.00 per dose. Chief Foster has doses that are about to expire. The goal is to have at least one dose in each police vehicle, but too date he has some vehicles without any. Chief Foster would like to equip each car with two doses. This is an item in his supply budget. Chief Foster expressed how proud he is of Officer Rutledge and his response.
3. The city has received the settlement for the wrecked police vehicle. The settlement, in the amount of \$28,000, will be used to purchase another vehicle. Chief Foster submitted a quote for a used Dodge Charger for \$23,575.00. The purchase price for SUV's has increased significantly in price and would like to try the Charger. On motion by Nan Bowen, seconded by Annie Sutton, in favor – Kevin Stanley and Bradley Greene, and carried unanimously, the City Council voted to approve the purchase of a Dodge Charger from Jacky Jones for \$23,575.00 plus the cost to equip.

GRANT KEENE – CITY ATTORNEY

Grant Keene, City Attorney, wanted to clarify his position on voting on the approval of agenda with Mr. Stanley abstaining. In accordance with the charter, a member that abstains from voting is neither a yeay nor a nay vote. The charter states two council members and the mayor is needed to run city business and would have the mayor to vote and state such in the minutes.

TOM O'BRYANT – CITY ADMINISTRATOR

1. Oak Springs School – Interior Improvements Value Engineering Proposal

- a. The bids for the interior improvements for Oak Springs School came in over budget. City Council requested that the project price be reduced by value engineering some of the work and for some of the work to be later completed by city staff.
- b. Nan Bowen, Annie Sutton and Tom O'Bryant have been meeting with RCCI to work on cost reductions. Some items originally thought to be performed by city staff were added back into the work performed by RCCI and subcontractors.
- c. The reductions totaled \$114,550.18. The new contract sum for the project is \$440,280.25. This price includes all construction and general requirement and contingency costs. This price is a Guaranteed Maximum price which means the project could final out cheaper than the contracted amount.
- d. SPLOST funds are available to fund this work.
- e. City Council will need to approve change order amount proposed by RCCI on \$440,280.25 for the interior improvements for Oak Springs School.

On motion by Bradley Greene, seconded by Annie Sutton, in favor – Nan Bowen and Kevin Stanley, and carried unanimously, the City Council approved the work order changes to the Oak Springs project with Ron Cantrell Construction.

2. Plan First Community Designation

- a. PlanFirst is DCA's program to recognize and reward communities that clearly demonstrate an established pattern of successfully implementing their Local Comprehensive Plan. Any size community is encouraged to apply, provided it has a history of public involvement with development of the plan, active engagement in plan implementation, and proven progress with achieving the community's stated vision or goals.
- b. An eligible community must meet the following prerequisites:
 - i. be a Qualified Local Government;
 - ii. have an approved and adopted Service Delivery Strategy;
 - iii. be current on all required reports to DCA, including Government Management Indicators and the Report of Local Government Finances; and
 - iv. have met the Minimum Performance Standards for their region as set by their regional commission.
- c. An applicant government will be evaluated against four broad performance measures of community vision and goals, community leadership, community participation in the development of the comprehensive plan, and successful community implementation of that plan.

TOM O'BRYANT – CITY ADMINISTRATOR – continued

Plan First Community Designation - continued

- d. PlanFirst designation brings significant recognition and rewards, including eligibility* for the package of incentives listed below:
 - i. Statewide recognition as being an exemplary, PlanFirst, community;
 - ii. The ability to apply for CDBG annually during the designation period;
 - iii. Bonus points on DCA programs such as the Redevelopment Fund or Employment Incentive Program or the Downtown Revolving Loan Fund;
 - iv. Hands-on assistance from DCA staff to help implement community work program activities, and
 - v. Other incentives that are under consideration and will be announced as they are approved.
- e. Staff requests approval from the City Council to work with the Georgia Department of Community Affairs and the Georgia Mountains Regional Commission to pursue the PlanFirst Community designation.

On motion by Bradley Greene, seconded by Nan Bowen, in favor – Annie Sutton and Kevin Stanley, and carried unanimously, the City Council gave approval for the city to participate in the PlanFirst program and for Mr. O'Bryant to begin implementing the program.

3. Grace Commission Update (training scheduled)

- a. Last July City Council voted to participate in the GRACE Commission program to help city combat human trafficking in Georgia cities and counties.
- b. The GRACE Commission - Georgians for Refuge, Action, Compassion, and Education Commission (GRACE) – established by Georgia First Lady Marty Kemp is comprised of public officials, law enforcement, for-profit and non-profit organizations, faith-based institutions, and subject matter experts to tackle human trafficking, seek justice for victims, hold bad actors accountable, and to end human trafficking.
- c. City staff has communicated with the GRACE Commission and set a date for formal training. **The training is scheduled for Wednesday, November 13, 2019.** Two training sessions will be held throughout the day.
- d. This program is specifically designed for municipalities who want to protect children from exploitation and trafficking. City staff looks forward to participating in the program and receive training to help protect the children and citizens in Cleveland and White County from human trafficking activity.

Mayor Ash commented the GRACE program is a good program started by the Governor and his wife.

NEW BUSINESS

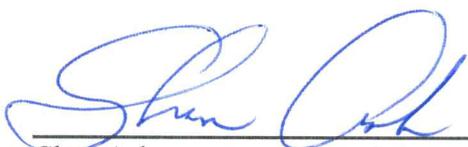
1. Public comments – Nan Bowen thanked Tom O'Bryant and Connie Tracas for finding opportunities to help the city save money. Mr. O'Bryant stated it takes good leadership to help the city move forward.
Bradley Greene asked the council to recognize, through resolution, the police and fire officers that have administered Narcan to save a life.
Mayor Ash reminded everyone of the 9/11 ceremony to be held at Macedonia Methodist Church. The ceremony is sponsored by Woodman Insurance and will begin at 8:30 a.m.

OLD BUSINESS

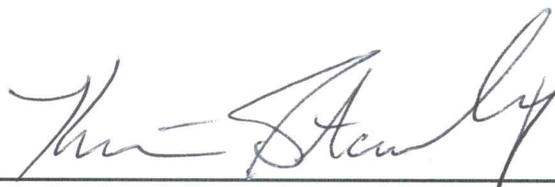
1. The minutes of August 2019 were signed.
2. Nan Bowen reminded the council to consider the options of demolishing the Talon building or keeping it. Ms. Bowen would like to discuss at the next council meeting.

ADJOURNMENT

On motion by Bradley Greene, seconded by Nan Bowen, in favor Annie Sutton and Kevin Stanley, and carried unanimously, the Cleveland City Council voted to adjourn the City Council Meeting of September 9, 2019 at 7:26 p.m.



Shan Ash, Mayor



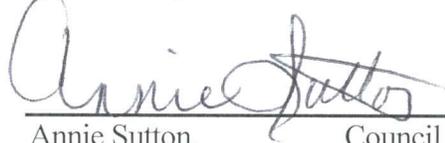
Kevin Stanley, Council Member



Nan Bowen, Council Member



Bradley Greene, Council Member
Mayor Pro Tem



Annie Sutton, Council Member

Attest: 

Connie Tracas, City Clerk

Minutes approved at the October 7, 2019 City Council Meeting

