

**CITY OF CLEVELAND
CITY COUNCIL MEETING
MARCH 4, 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 Pro Tem Bradley Greene at 6:32 p.m. Mayor Shan Ash was absent.

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

APPROVAL OF AGENDA

On motion by Kevin Stanley, seconded by Annie Sutton, in favor – Nan Bowen, and carried unanimously, the Mayor Pro Tem and Council approved the agenda for the March 4, 2019 City Council Meeting.

AMENDMENT TO CHAPTER FOUR ALCOHOL ORDINANCE 2019-03 – BRUNCH BILL

Mr. Tom O'Bryant explained the process of amending the alcohol ordinance to include extended hours for Sunday consumption sales, referenced as the Brunch Bill.

- a. In 2018 the State Legislature passed the Brunch Bill, which allows for a local government to hold a referendum on the extension (or moving up) of the hours of Sunday sales of malt beverages, wine and distilled spirits for consumption on the premises.
- b. Representatives from the Downtown Cleveland Merchants Alliance presented and discussed the issue at the January 14, 2019 City Council Meeting.
- c. Several cities held special elections in 2018 for citizens to vote on the issue. The referendum passed in the City of Helen in 2018.
- d. If this is an item the Council would like to pursue, then City Council will need to hold three hearings and pass a resolution with the question on the referendum and forward a certified copy to the Election Superintendent for placing the November 5, 2019 municipal election ballot.

On motion by Kevin Stanley, seconded by Annie Sutton, in favor – Nan Bowen, and carried unanimously, the Mayor Pro Tem and Council voted to approve the first consideration of the amendment to Chapter Four Alcohol Ordinance 2019-03 – Brunch Bill to allow the question to extend hours for Sunday consumption be brought to the voters through referendum.

RESOLUTION 2019-04 OPPOSING HOUSE BILL 302 AND SENATE BILL 172 PREEMPTION OF LOCAL BUILDING DESIGN STANDARDS

- a. Mr. O'Bryant explained HB 302 and SB 172 and the implications of both bills. According to GMA and ACCG the Georgia Realtor Association and the Georgia Home Builders Association have lobbied members of the State Legislature to proposed HB 302 and SB 172, which would preempt or prohibit local governments from regulating building design elements for residential dwellings.
- b. The elements of design that would be impacted are: (A) Exterior building color; (B) Type or style of exterior cladding material; (C) Style or materials of roof structures or porches; (D) Exterior nonstructural architectural ornamentation; (E) Location or architectural styling of windows and doors, including garage doors; (F) The number and types of rooms; (G) The interior layout of rooms; and (H) Types of foundation structures approved under state minimum standard codes.

RESOLUTION 2019-04 OPPOSING HOUSE BILL 302 AND SENATE BILL 172 PREEMPTION OF LOCAL BUILDING DESIGN STANDARDS - continued

- c. These two bills violate the provision of home rule within the State of Georgia and conflict judicial decisions determining the validity of local design standards.
- d. The Georgia Municipal Association is working with several cities across the state on opposition of the bill. They have recommended that city's adopt a resolution opposing the two bill and providing it to our state elected officials.
- e. This is not just a city issue, but also a county issue. ACCG is encouraging all counties to oppose this bill.
- f. This issue has already been challenged in the Supreme Court, including Georgia's Supreme Court and has failed. It has been question why the state legislators would try this again, but if passed would definitely provoke another court hearing.
- g. This type of legislation preempts local governments to develop standards within their "home-rule" powers and is an over-reach of state government.

Annie Sutton stated cities and counties need to keep control of design standards. There has been a huge improvement in the look of new development in the city because of the city's design standards. The city's design standards and landscaping requirements have made a difference in the look of Cleveland.

On motion by Nan Bowen, seconded by Annie Sutton, in favor – Kevin Stanley, and carried unanimously, the Mayor Pro Tem and Council voted to approve Resolution 2019-04 Opposing House Bill 302 and Senate Bill 172 Preemption of Local Building Design Standards. The Resolution will be forwarded to the city's representatives and senator. The Council was encouraged to contact representatives and senators to oppose these bills.

NPDES PERMIT CLEVELAND WATER POLLUTION CONTROL PLANT – PUBLIC HEARING

Mr. O'Bryant explained the renewal process for the NPDES Permit issued for the wastewater treatment plant

- a. With the expiration of the current permit for the wastewater treatment plant, staff has been anticipating the receipt of a renewal permit with new standards of operation. The draft permit was officially received February 27, 2019.
- b. The reissuance of the permit will allow the plant to continue its discharge of up to 0.75 MGD of treated domestic wastewater into Tesnatee Creek.
- c. The new permit will require the following:
 - i. Increased flow monitoring frequency from 5 day/week to 7 days/week since the facility is equipped with a continuous recorder.
 - ii. Reduced total phosphorus effluent limitation down to 0.5 mg/L in accordance with the 2017 TMDL for dischargers to Lake Lanier.
 - iii. Added a total phosphorus compliance schedule to meet the reduced limitation. (Initial design in 6 months; operational compliance in 36 months.)
 - iv. Added new monitoring requirements for a number of nutrients.
 - v. Removed monitoring for total mercury based on reasonable potential analysis

NPDES PERMIT CLEVELAND WATER POLLUTION CONTROL PLANT – PUBLIC HEARING - continued

- vi. And, Corrected instream wastewater concentration for Chronic Whole Effluent Toxicity testing requirements to 12%.
- d. The City must post public notice of the draft permit for reissuance for a minimum of 30 days. City Clerk, Connie Tracas, has sent the notice to the White County News for publication, posted on the city's website and has posted notice at City Hall. The draft permit is available for public review and comment.
- e. At the end of the 30-day public comment period, EPD will make a final determination on the reissuance of the NPDES permit.
- f. The new phosphorus standard will require an upgrade to the wastewater plant. The design and construction of this project is considered a capital improvements project, which includes significant costs.
- g. 2020 SPLOST funds will help pay a portion of this upgrade, but the city will most likely need to seek long term financing to cover the remaining costs of the project.

Mr. O'Bryant reiterated the timeline of events now that the draft permit has been issued. The city has six-months from February 27, 2019 to have design plans in place and the facility will need to be operational in thirty-six months. Mr. O'Bryant commended the staff at the wastewater plant for their hard work and diligence in keeping the plant compliant. Fire Chief Ricky Pruitt added he works for a chemical company and the company had to develop a new line of chemicals to eliminate phosphorus.

Mayor Pro Tem Bradley Greene asked if there were any public comments on the NPDES Permit for the Cleveland Water Pollution Control Plant. There was no public comment.

CHIEF RICKY PRUITT – FIRE DEPARTMENT

Chief Ricky Pruitt, Fire Department, submitted the department's statistics for February 2019. The department responded to 81 calls – 41 – inside the city and 38 – in the county (with 13 calls being outside of the automatic aid area). The county assisted with 2 calls within the city.

The department is utilizing U-11 more for medical calls and non-emergency calls. U-11 is the equipped pick-up truck. The use of the truck saves on the wear and tear of the fire trucks.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

Chief John Foster, Police Department, submitted the department's statistics for January, February, and part of March 2019.

The department recorded an increase in incident reports, arrests, and traffic stops from January to February. Domestic violence went down in February.

GRANT KEENE – CITY ATTORNEY

Grant Keene, City Attorney, had no new business to report.

TOM O'BRYANT – CITY ADMINISTRATOR

Water Audit

- a. On February 18, 2019, Georgia Rural Water Association conducted the mandated water audit for Cleveland Waterworks.
- b. The auditor examines the policies and procedures in place to reduce water loss and to accurately bill for water use.
- c. The city's score is determined by city actions such as, line upgrades and repairs, meter change-outs, meter testing, leak detecting, and in-house auditing of utility accounts.
- d. The city scored 62 out of 100. This is a very good score for our system. Not many systems our size receive this high of a score.
- e. Staff will continue to plan for line upgrades and annual testing of the larger meters. Staff is working with staff at Turner Creek Treatment Plant to coordinate testing of meters shared by both utilities.
- f. The required testing of meters will be reflected in the upcoming budget.
- g. The auditor has noted the city needs to install a system output meter from the three wells. The three wells (Faulkner and Cemetery Streets) are metered separately, but eventually merged into the system through one line. The output meter will enable staff to monitor the flow from all meters is actually entering the system.
- h. The system distributed 241,767,000 gallons of water in 2018.

Reporting shows a water loss of 64,656,000 gallons – this is an acceptable loss to the State, but is not acceptable to the city's staff. We continue to look for ways to reduce this loss.

Oak Springs/Talon Project Update

- a. Bids for the exterior improvements of **Oak Springs School** are being finalized and should be presented at the March 11, 2019 council meeting.
- b. Interior design is being finalized and ready for engineering (MEP). Once this is completed RCCI will take this phase out to bid.
- c. Parking and site work on the site is still being developed and evaluated. The roofing has been ordered.
- d. RCCI is currently working on pricing for abatement of the Talon Building.
- e. RCCI staff has spent the past month meeting with city departments on space needs and department functionality for the Talon Building. This will help determine the location of each department within the building and how city services are accessed by the public.

NEW BUSINESS

1. On motion by Nan Bowen, seconded by Annie Sutton, in favor – Kevin Stanley, and carried unanimously, the Mayor Pro Tem and Council approved the minutes of February 4 and February 11, 2019 as drafted.
2. Public Comments – Ward Gann, owner of Clyde's Tavern, thanked the Mayor Pro Tem and Council for their consideration of the Brunch Bill.
Annie Sutton thanked Chief Foster for the weather updates and there was an expressed concern for those areas hit by tornadoes. Chief Foster plans to contact local officials to see if his department can offer assistance or possibly offer his assistance personally. Chief Ricky Pruitt informed GEMA is assessing the area and will send out notice of needs in the area.

OLD BUSINESS

There was no old business to discuss.

EXECUTIVE SESSION

On motion by Annie Sutton, seconded by Kevin Stanley, in favor – Nan Bowen, and carried unanimously, the Mayor Pro Tem and Council voted to enter into an executive session to discuss real estate and personnel at 7:05 p.m.

RETURN TO COUNCIL MEETING

On motion by Kevin Stanley, seconded by Annie Sutton, in favor Nan Bowen – and carried unanimously, the Mayor Pro Tem and Council voted to return to the City Council Meeting at 8:00 p.m. No further business was discussed.

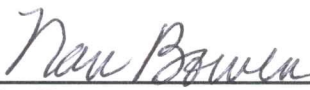
ADJOURNMENT

On motion by Kevin Stanley, seconded by Nan Bowen, in favor – Annie Sutton, and carried unanimously, the Mayor Pro Tem and Council voted to adjourn the City Council Meeting of March 4, 2019 at 8:01 p.m.

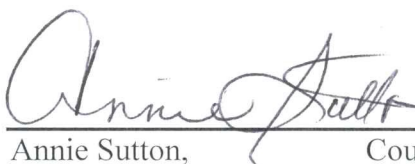
(ABSENT)

Shan Ash, Mayor


Kevin Stanley, Council Member


Nan Bowen, Council Member


Bradley Greene, Mayor Pro Tem


Annie Sutton, Council Member

ATTEST: 
Connie Tracas, City Clerk

