

CITY OF CLEVELAND
CITY COUNCIL MEETING
MAY 6, 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 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 Annie Sutton, in favor – Nan Bowen and Kevin Stanley, and carried unanimously, the Mayor and Council approved the agenda for the May 6, 2019 City Council Meeting.

CHIEF RICKY PRUITT – FIRE DEPARTMENT

Chief Ricky Pruitt, Fire Department, submitted the department statistics for April 2019. The department responded to 75 calls – 27 calls within the city and 48 calls outside the city. This includes 15 calls made outside the automatic aid area in the county.

Chief Pruitt added the department's training hours. Staff completed 56 hours of training in April and a year-to-date total of 171.30 hours.

The department is getting close to completing the testing of the hydrants. The testing includes getting static pressure of each hydrant and draining hydrant until water is clear.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

GA HOUSE BILL 978 – SCHOOL SAFETY PROGRAM - REDSPEED

Chief John Foster, Police Department, presented a proposal from RedSpeed, a company through House Bill 978, offers speed cameras in school districts.

House Bill 978 offers cities and counties an avenue to reduce speeding in school districts. The city has each school, within the city, manned with an officer during school traffic but Chief Foster explained drivers do not pay attention to the officer on duty.

Chief Foster offered the following information on the RedSpeed program:

- Completely violator funded / No taxpayer expense
- Only in approved school zones. School zones are evaluated, surveyed, and tested before being approved.
- Cameras would be effected one hour before school and one hour after.
- Violators cited when 10 mph or more over the posted speed limit
- Warning signs are placed at each end of the school zone
- A 30-day warning period will be posted
- Cleveland Police Department will receive ALPR (Automatic License Plate Recognition) and high definition video cameras included in the program. ALPR can be used to alert police to vehicles with temporary protection orders, Amber Alerts, etc.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

GA HOUSE BILL 978 – SCHOOL SAFETY PROGRAM – REDSPEED - continued

- The violator is fined \$75 for the first violation in a year, \$125 for subsequent violations in the year. The fines are considered a civil penalty.
- The revenue split is 65% for the city and 35% for RedSpeed. RedSpeed incurs all cost for equipment, maintenance, permitting, construction, printing, mailing, website, etc. the city will have no out of pocket expense.

Chief Foster informed the City of Duluth tested the equipment on one school and recorded 5000 speeders with 2000 over 20 mph in a school zone. Cleveland Police reviews all camera footage to verify the tag belongs to the vehicle, etc.

Bradley Greene asked about the areas considered. Chief Foster answered right now Jack P Nix Elementary is the only qualified location. The State of Georgia is researching the need to expand the definition of schools that may include colleges and universities. This expanded designation would allow the city to include Truett McConnell University in the school zone program.

Chief Foster informed the company also offers a red light camera program to detect those running red lights. The biggest problem is the intersection at Wal-Mart. To date, there have been two fatalities in the area with speed being a huge factor. The company receives a maximum of \$5000 per month in fines collected, but if the city receives less, the company is paid what is collected. Chief Foster will look into this program once the school safety program is in place.

Nan Bowen asked if there was a financial obligation to the city for the survey of the school zone. Chief Foster answered there is no financial obligation to the city. Annie Sutton agreed the program would be great for the school zone.

Chief Foster informed the survey should be completed before school is out this year.

GRANT KEENE – CITY ATTORNEY

Grant Keene, City Attorney, did not have new business to discuss, but thanked the Cleveland Police Department for their assistance during the funeral procession of his mother Mrs. Vivian Keene. Mr. Keene appreciated the respect given to his mother and his family. Mr. Keene noted his out-of-state relatives were very impressed with the Cleveland Police Department.

The Mayor and Council expressed their condolences. “Ms. Nella”, lovingly called by city staff and others, will be missed in the community.

TOM O'BRYANT – CITY ADMINISTRATOR

1. East Underwood Street Sidewalk Project

- The city received right of way donations from property owners Joe Kemp and Jerry Freeman and Cleveland United Methodist Church along East Underwood Street for the development of a sidewalk that will extend to Freedom Park
- The city received funds from Georgia Department of Transportation (LMIG) for local street and sidewalk improvements. A portion of the funds will help pay for the installation of the sidewalk.
- The city solicited bids for the construction of the sidewalks and received four bids as follows:

Tri Scapes	\$55,494.00
Solidscapes, LLC	\$57,266
Kemp Homes	\$49,500
Nelson Grading	\$38,500

Mayor Ash asked for a motion to accept the lowest bid from Nelson Grading. Nan Bowen made the motion to accept the bid from Nelson Grading for \$38,500, and Annie Sutton seconded the motion. Mayor Ash asked if there were any discussion to the motion made. Kevin Stanley noted Nelson Grading did not provide detail of the scope of work that would be performed and did the quote cover everything. Mr. O'Bryant answered he walked the project with Mr. Nelson so there would be a clear understanding of the work expected to be completed.

With the motion and second made, Mayor Ash asked if all were in favor. The council voted in favor to award Nelson Grading the East Underwood Street Sidewalk Project in the amount of \$38,500.

2. Wastewater Permit – update

- The city has received its renewal permit for the wastewater treatment plant. The new permit became effective May 1, 2019,
- The new permit has established water quality standards that will require an update to the wastewater plant. The new permit also places a timeline on the design and construction of the plant upgrades. The city must have plans developed within six-months of the issuance of the permit and the plant upgrades must be constructed and operational within thirty-six months.
- Council and staff have been touring several wastewater facilities to gain a better understanding of new technologies that address and meet new environmental standards.
- The council will need to decide whether to solicit requests for qualifications (RFQs) or requests for proposals (RFPs) or to utilize the services of the current engineer Rindt-McDuff.

Bradley Greene stated he felt it would be good to get competitive bids on the project. Mayor Ash agreed the scope of the project should include other engineering companies an opportunity to bid on the project.

Mr. O'Bryant was directed to issue a bid for RFQs/RFPs for an engineering firm to design the wastewater plant upgrades.

TOM O'BRYANT – CITY ADMINISTRATOR - continued

3. Oak Springs/Talon Project Update

- RCCI has submitted a construction schedule for the project. Most of the activity surrounds Oak Springs School.
- Improvements for the exterior of Oak Springs are underway
- Bids for the interior construction are currently being solicited. After receiving bids and conducting any value engineering on the project, the interior bid should be before the council no later than the June meetings.
- Parking and work site is still being developed and evaluated
- RCCI staff continues to work with city departments on space needs and department functionality for the Talon Building to determine how city services are accessed by the public.

4. Update on Gateway Memory Park Cemetery

Before Mr. O'Bryant gave his update, Mayor Ash informed that most of the council have received complaints of the condition of Gateway Memory Park Cemetery. Several citizens were in attendance to speak on the problem.

Mr. O'Bryant gave his update:

- Mr. O'Bryant has received contact from an investigator with the Georgia Secretary of State Office, State Board of Cemeterians, concerning complaints filed regarding Gateway Memory Park Cemetery. The investigator was provided the owner information, complaint files, photos, etc.
- With the onset of warmer weather, complaints are being received concerning the of the grounds of the cemetery.
- In addition, Mr. O'Bryant sent a letter to the owner, Chris Shelnut, regarding the complaints and requested that ground maintenance be conducted immediately.
- The investigator stated he would keep Mr. O'Bryant updated with the investigation.

Mr. O'Bryant informed the cemeteries in Georgia are regulated and managed by the State of Georgia. A complaint file has been stated and maintained at City Hall. The city has filed a complaint with GA SOS. The city was contacted by a potential buyer but the sale fell through due to the state requiring the buyer to invest in the perpetual care fund.

Paul Cain, investigator with the SOS office, contacted Mr. O'Bryant and Mr. O'Bryant informed the issue is more than a maintenance problem. Mr. Cain was unaware of the condition of the house/office, files, and operating and selling grave lots without a license. Mr. O'Bryant informed the state cemetery board meets once a month and complaints are always on the agenda. The city has sent another letter to Chris Shelnut to address the maintenance issues at the cemetery.

Local resident, Tim Martin, expressed his confusion on why the state would be involved when the cemetery is located within the city. Mr. Martin referred to the city's property maintenance code that provides for the city to maintain the area and put a lien on the property for expenses incurred. Chief Foster stated there are more issues than just mowing the grass.

TOM O'BRYANT – CITY ADMINISTRATOR - continued

Update on Gateway Memory Park Cemetery – continued

Several residents, that did not state their names, complained about the condition of the caretaker's house and the fear of drug users being on the premises. One resident stated she is terrified to visit her son's gravesite over the fear of a drug user coming out of the dilapidated house. Chief Foster informed the police department patrols the area regularly.

Nan Bowen stated if the city started cutting the grass, then Chris Shelnut would not think he had any liability and would not take over the maintenance. Ms. Bowen added the city does not have the staff to mow the grass. Ms. Bowen informed the city is not ignoring the problem, but it is a slow process to follow through with the investigation. Ms. Bowen is also upset with the condition of the cemetery as she has family buried in the cemetery.

Chief Foster offered to contact the state investigator and asked if the residents would allow him to read over the contracts and deeds provided for the plots. Chief Foster informed the group could go through a civil process and have a judge make a judgement against Mr. Shelnut. There is only a filing fee required.

Kevin Stanley, expressed to the group, the State of Georgia governs cemeteries and the owner must answer to the State. Ultimately, the State has the teeth to get something done and the State should act on this issue. The cemetery is licensed by the State not the city.

Mr. Martin once again brought up the property maintenance code and did not feel the group should have to do anything further and that it was the responsibility of the city (**note – although not stated, Mr. Martin is referring to an ordinance that applies to residential properties*). Grant Keene, City Attorney, replied the Secretary of State's office would have to give authority for the city to take action.

Mayor Ash stated Mr. Shelnut has been put on notice and everyone needs to get together to file a complaint with the Secretary of State's office. This is now opened to the public and the news outlets should report on how to formally file a complaint.

Mr. O'Bryant will provide a link to the Secretary of State's website to formally file a complaint. The link will be added to the city's website.

5. Budget Hearings for 2019/2020

The 2019/2020 budget hearings are scheduled for June 3 and June 10, 2019.

NEW BUSINESS

1. On motion by Bradley Greene, seconded by Kevin Stanley, in favor – Nan Bowen and Annie Sutton and carried unanimously, the Mayor and Council approved the minutes of April 1 and April 8, 2019 with the correction made to the minutes of April 1, 2019 to correct the motion made for the amendment to 2019-03 Brunch Bill to read as follows:
On motion by Annie Sutton, seconded by Kevin Stanley, in favor – Nan Bowen and Bradley Greene, and carried unanimously, the Mayor and City Council voted to approve 2019-03 Amendment to Chapter Four Alcohol Ordinance and to issue a referendum to the voters of Cleveland to extend the time for alcohol beverage sales for consumption on Sunday.
2. Public comments – Beth Truelove expressed her appreciation for the new flowers on the square and the assistance of the police department providing traffic control while the 4-H Club members planted the flowers. The merchants will be holding an event Memorial Day.
Judy Lovell thanked the Cleveland Police Department for their assistance with the delivery of the potter's statue.

OLD BUSINESS

There was no old business to discuss (although he has been seen around town)

EXECUTIVE SESSION

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 enter into an executive session to discuss real estate at 7:30 p.m.

RETURN TO CITY COUNCIL MEETING


On motion by Kevin Stanley, seconded by Bradley Greene, in favor – Nan Bowen and Annie Sutton and carried unanimously, the Mayor and Council voted to return to the City Council Meeting at 8:03 p.m.
No further business was discussed.

ADJOURNMENT

On motion by Bradley Greene, seconded by Kevin Stanley, in favor – Nan Bowen and Annie Sutton and carried unanimously, the Mayor and Council adjourned the meeting of May 6, 2019 at 8:04 p.m.

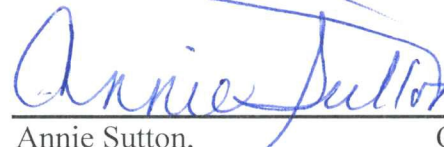
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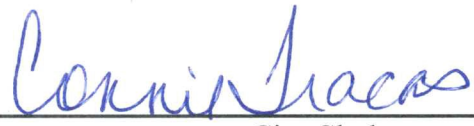

Shan Ash, Mayor


Kevin Stanley, Council Member


Nan Bowen, Council Member


Bradley Greene, Council Member


Annie Sutton, Council Member

ATTEST: 
Connie Tracas, City Clerk

