

CITY OF CLEVELAND
CITY COUNCIL MEETING
MAY 4, 2020
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 Kevin Stanley at 6:32 p.m.

Due to the orders of U.S. President Donald Trump and Georgia Governor Brian Kemp to conduct social distancing, the meeting is closed to the public to physically attend. The meeting is held through teleconferencing, in which the public may dial in and listen and be a part of the proceedings.

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

APPROVAL OF AGENDA

On motion by Nan Bowen, seconded by Bradley Greene, and carried unanimously, the Mayor Pro Tem and City Council approved the agenda for the May 4, 2020 City Council Meeting.

RESOLUTION 2020-15 – RESOLUTION REGARDING THE POSTPONEMENT OF SPECIAL ELECTION FOR MAYOR AND COUNCIL MEMBER WARD 2 OF THE CITY OF CLEVELAND AND THE SUSPENSION OF EARLY VOTING IN SAID SPECIAL ELECTION AND TO ESTABLISH NEW DATES FOR EARLY VOTING AND ELECTION DAY

TO ORDER AND CONFIRM THE POSTPONEMENT OF THE SPECIAL ELECTION SCHEDULED FOR MAY 19, 2020, AND CONFIRM THE SUSPENSION OF EARLY VOTING SCHEDULED FOR APRIL 27 THROUGH MAY 15, 2020, BEING CONDUCTED TO FILL THE VACANCIES IN THE OFFICE OF MAYOR AND COUNCIL MEMBER WARD 2 OF THE CITY OF CLEVELAND, GEORGIA, CREATED BY THE RESIGNATION OF ROY (SHAN) ASH, III, AND THE RESIGNATION OF COUNCIL MEMBER WARD 2 ANNIE SUTTON, UNTIL JUNE 9, 2020, IN ACCORDANCE WITH THE DIRECTIVE OF THE SECRETARY OF STATE, BRAD RAFFENSPERGER, ISSUED THURSDAY, APRIL 9, 2020; TO AUTHORIZE THE CITY CLERK, ACTING AS THE SUPERINTENDENT OF ELECTIONS FOR THE CITY OF CLEVELAND, GEORGIA TO PERFORM ALL DUTIES AS SUPERINTENDENT OF ELECTIONS ASSOCIATED WITH SAID POSTPONEMENT OF THE DATE OF SAID SPECIAL ELECTION AND SAID SUSPENSION OF EARLY VOTING, PURSUANT TO THE OFFICIAL CODE OF GEORGIA ANNOTATED SECTION 21-2-540 AND SAID DIRECTIVE; AND TO AUTHORIZE SAID CITY CLERK TO PERFORM ALL OTHER DUTIES OF SAID SUPERINTENDENT OF ELECTIONS RELATED TO OR ARISING OUT OF SAID POSTPONEMENT AND SAID SUSPENSION OF EARLY VOTING, AND TO CONFIRM ALL THE PROVISIONS OF THE PRIOR CITY OF CLEVELAND, GEORGIA, RESOLUTIONS 2020-04; 2020-05; AND 2020-09 NOT IN CONFLICT HERewith.

WHEREAS, by Resolution of the City of Cleveland, Georgia, Resolution 2020-04, the City of Cleveland issued a call for a Special Election to fill the vacancy in the office of the Mayor of the City of Cleveland created by the resignation of Roy (Shan) Ash, III (who is also known as Roy (Shan) Mashburn Ash, III), as Mayor on December 30, 2019, in accordance with O.C.G.A. Section 21-2-540; and

WHEREAS, by Resolution of the City of Cleveland, Georgia, Resolution 2020-05, the City of Cleveland issued a call for a Special Election to fill the vacancy in the office of the Council Member Ward 2 of the City of Cleveland created by the resignation of Annie Sutton (who is also known as Annie Wanda Sutton), as Council Member Ward 2 on January 27, 2020 to qualify as a candidate for Mayor of the City of Cleveland, in pursuant to the City of Cleveland Charter and O.C.G.A. Section 21-2-540; and

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WHEREAS, said Annie Sutton and Josh Turner have qualified as candidates for election to said office of Mayor of Cleveland; and

WHEREAS, Felicia Sutton and Rebecca Yardley have qualified as candidates for election to said office of Council Member Ward 2 of Cleveland; and

WHEREAS, Section 18-1. Applicability of General Law, of the Code of Ordinances of the City of Cleveland, states: "All primaries and elections for any elected office of the city, or any other matter that is properly the subject of a municipal election, shall be held and conducted in accordance with general state law governing elections as contained in O.C.G.A. Section 21-2-1 et seq."; and

WHEREAS, on March 13, 2020, Donald J. Trump, acting in his capacity as President of the United States of America, issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on April 8, 2020, Brian P. Kemp, acting in his capacity as Governor of the State of Georgia, issued an extension of his original Executive Order styled Declaration of Public Health State of Emergency (original issued March 14, 2020) regarding said disease outbreak, until May 13, 2020; and

WHEREAS, on April 9, 2020, Brad Raffensperger, acting in his capacity as the Secretary of State of the State of Georgia, suspended in person voting scheduled for April 27 through May 15, 2020 and postponed said election, including the Presidential Preference Primary and other elections scheduled for May 19, 2020 until June 9, 2020; and

WHEREAS, on the said directive was thereafter communicated to the City of Cleveland and said City Clerk, acting as said Election Superintendent, on April 9, 2020; and

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE GOVERNING AUTHORITY OF THE CITY OF CLEVELAND, GEORGIA, THAT:

Section 1. It is hereby ordered and confirmed that the Special Election called to fill the vacancy in the office of the Mayor of the City of Cleveland, Georgia caused by the resignation of Roy (Shan) Ash, III (who is also known as Roy (Shan) Mashburn Ash, III), originally scheduled for March 24, 2020, rescheduled to May 19, 2020, shall be postponed and moved to June 9, 2020 General Primary; and will take place on June 9, 2020 with the General Primary, and that early in person voting at City Hall will begin on May 18 through June 5, 2020, with the exception of May 25, 2020 Memorial Day; and

Section 2. It is hereby ordered and confirmed that the Special Election called to fill the vacancy in the office of the Council Member Ward 2 of the City of Cleveland, Georgia caused by the resignation of Annie Sutton (who is also known as Annie Wanda Sutton), originally scheduled for May 19, 2020, shall be postponed and moved to June 9, 2020 General Primary; and will take place on June 9, 2020 with the General Primary, and that early in person voting at City Hall will begin on May 18 through June 5, 2020, with the exception of May 25, 2020 Memorial Day; and

Section 3. The acts of Connie Tracas, acting as Superintendent of Elections for the City of Cleveland, Georgia, performed on March 16, 2020, and April 9, 2020, with regard to said Special Election and said postponement and suspension are hereby expressly confirmed; and

Section 4. Said City Clerk of the City of Cleveland, acting as the Superintendent of Elections of the City of Cleveland, Georgia, is hereby authorized to conduct said Special Election on June 9, 2020, pursuant to the Official Code of Georgia Annotated Section 21-2-540, and in accordance with those provisions of the City of Cleveland, Cleveland, Georgia, Resolution 2020-04, 2020-05, and 2020-09 not in conflict herewith; and

Section 5. The action evidenced by this Resolution and required by said directive and is deemed by the governing authority of the City of Cleveland to have required action.

Mayor Pro Tem Stanley informed of the new early voting dates and the new election date stated in the resolution. The early voting dates will be May 18 through June 5, 2020 and the election date is June 9, 2020.

On motion by Nan Bowen, seconded by Bradley Greene, and carried unanimously, the Mayor Pro Tem and Council voted to approve Resolution 2020-15 to set the new dates for early voting and the election date for the seats of mayor and council member ward 2.

CHIEF RICKY PRUITT – FIRE DEPARTMENT

Chief Ricky Pruitt was not present. Tom O'Bryant presented the monthly report for the department.

The department responded to 53 calls in April. 25 inside the city and 28 in the county, with 9 of the calls being outside the automatic aid area. Mr. O'Bryant noted that even with the shelter in place order, the fire department had a busy month.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

Chief John Foster, Police Department, submitted the statistics for the department. Chief Foster is working with a new system that records activities of the officers. Chief Foster plans to build on the report to include additional activity statistics.

Chief Foster reviewed the report which included citations issued and other activities. The department recorded fifteen arrests and investigated sixty-eight incidents in April. The department is conducting several stolen property investigations. Chief Foster is currently investigating a burglary of up to \$80,000. This case may be unfounded.

GRANT KEENE – CITY ATTORNEY

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

TOM O'BRYANT – CITY ADMINISTRATOR

1. Contract Amendment with Nelson Grading for Old Blairsville Road Shoulder and Stormwater Improvements

- a. Nelson Grading was awarded the emergency contract to install the water line replacement along Old Blairsville Highway. The water line work is nearly complete. There are few more final connections to be made and then the repair work to the areas of the road where the ditch and shoulder will be reshaped, and reinstalling and paving the cuts across driveways.
- b. While the contractor will be performing this final work on the shoulder of Old Blairsville Highway staff would like to request that the Nelson Grading crew perform additional shoulder and stormwater improvements on the road near its intersection with Kenimer Street. Work for the section includes reshaping the ditch and shoulder, setting shoulder foundation and new asphalt, backfilling and grassing the shoulder and new striping for the length of the improvement.
- c. The cost of the additional improvements is estimated at \$19,500. Budgeted funds in the Street Department are available to cover the costs of the work.

TOM O'BRYANT – CITY ADMINISTRATOR – continued

- d. City Council will need to approve amending the current contract with Nelson Grading to include the shoulder and stormwater improvements on Old Blairsville Highway in the amount of \$19,500.

Nan Bowen asked if stormwater is contributing to the shoulder and road washing away and Mr. O'Bryant answered yes, as well as the busses and other vehicles driving off the shoulder. The city has packed the area with gravel but the area continues to erode.

On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and Council voted to approve the amendment to the contract for Nelson Grading for the repairs of Old Blairsville and Kenimer Street in the amount of \$19,500.00. The council authorized Mayor Pro Tem Stanley to sign the contract amendment.

2. Wellhead Protection/New Well/Spring Application

- a. In order to provide an adequate water supply to citizens, businesses and community at large the City continues to pursue the development of new water resources, including the use of deep wells.
- b. The City is considering a potential well site at property along Jess Hunt Road. The City must apply to Georgia EPD and receive a permit to drill a test well at the site. City Engineer, Brian Rindt, is coordinating the application and permitting for the test well.
- c. Georgia EPD has provided to the City an application for wellhead protection and for the new well site. Rindt McDuff has completed the application for consideration and approval by City Council.
- d. The City Council will need to approve the application and authorize the Mayor Pro-Tem to sign the application for submittal to Georgia EPD

On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and Council voted to approve the application for submittal to Georgia EPD. The council authorized Mayor Pro Tem Stanley to sign the application.

3. Request from Jeff Nix for Sewer Connection at 1706 Highway 129 South

- a. Mr. Jeff Nix purchased the commercial property located at 1706 Highway 129 South. The property is located in unincorporated White County and is currently served by a septic system. The commercial building on the property is currently being renovated and expanded. The new building will require sewer services from the City which requires annexing the property into the City.
- b. To obtain sewer services Mr. Nix submitted an application to request annexation into the city, including paying the required fees.
- c. The annexation application was sent to the Planning Commission to the Planning Commission for review. A hearing on the application was set for March 26, 2020. However, the meeting was cancelled and the application was indefinitely postponed due to the COVID-19 pandemic until it could be further determined the best way for the

TOM O'BRYANT – CITY ADMINISTRATOR – continued

Planning Commission to consider the application and then forward it through the approval process. It is now determined that the Planning Commission can meet May 28, 2020 on the application, which means the City Council may not receive the application until June or July.

- d. The delay, due to the pandemic, has created a dilemma for Mr. Nix in that his initial request for annexation would have normally been completed this past April which would have provided plenty of time to complete his project, including annexation and a sewer connection. He must vacate his current location by June 1, 2020. He and his future tenant cannot make the move until the sewer is connected and operational.
- e. Mr. Nix is requesting that due to the unforeseen circumstances created by the COVID-19 pandemic the city allow his property a sewer connection ahead of the completion of the annexation process.
- f. City Council may grant the request with the condition that the annexation process be completed or all future water and sewer services for the location would be cut-off.

Mr. O'Bryant asked the council to deviate from the policy of annexation before sewer connections are allowed. Mr. Nix was on the teleconference in the case the council had questions. The council had no questions for Mr. Nix.

On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and Council voted to allow Jeff Nix to connect to city sewer services before the hearings and the adoption of an ordinance to annex property located at 1706 Highway 129 South.

4. Update on Other City Activities

- a. City staff continues to monitor protocols and meet with county and state officials on the update and response of the local operations related to the pandemic COVID-19.
- b. The Police Department has completed the move into Oak Springs. An additional storage will be located adjacent to the building. We are planning to hold the May 11th City Council meeting at Oak Springs.
- c. Administration is continuing to finalize a proposed budget for FY21. Traditionally, the budget hearings are held before the regular council meetings in June.

Mr. O'Bryant added the city will open to the public on May 14, 2020. The plan was to hold the next council meeting at Oak Springs, but it may be June before the meeting room is ready.

Chief Foster expressed his appreciation to his staff for pitching in on the move to the new police department.

Mr. O'Bryant informed revenues are down and he has been in communication with other cities with the same issues. He plans to look at reducing capital outlay projects in the upcoming budget. There may be an opportunity to look at the budget again in six-months if revenues begin to increase.

Mr. O'Bryant informed the city has received the encroachment permit from DOT and can now bid the water line from Hulsey Road to the Warrior Tank.

TOM O'BRYANT – CITY ADMINISTRATOR – continued

The City has also been approved for the increase in waste load allocation at the wastewater treatment plant. The plant is now permitted for 1.5 million gallons per day. The new plant design will reflect the new allocation load.

NEW BUSINESS

1. On motion by Nan Bowen, seconded by Bradley Greene, and carried unanimously, the Mayor Pro Tem and Council voted to approve the draft minutes of April 6 and April 13, 2020.
2. On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and Council voted to approve the closing of city hall on June 9, 2020 so that administrative staff may assist and work the Special Election.
3. Public Comments – Beth Truelove, White County Chamber, thanked the council for the support during the current crisis. Ms. Truelove expressed the importance of the city and the county working with businesses during this time.
Annie Sutton phoned in to welcome the police department to the neighborhood. Ms. Sutton remarked on how great the facility looked and thanked the council and the police department for all the hard work.
Chief Foster added the police department is open to the public. The building is sanitized daily.

OLD BUSINESS -

There was no old business to discuss.

ADJOURNMENT

On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and Council voted to adjourn the City Council Meeting of May 4, 2020 at 6:57 p.m.

VACANT

Office Vacant/open Seat

Mayor

Kevin Stanley,

Council Member
Ward No. 3

Mayor Pro Tem

Nan Bowen,

Council Member
Ward No. 1

Bradley Greene,

Council Member
Ward No. 4

VACANT

Office Vacant/open Seat

Council Member
Ward No. 2

ATTEST:

Connie Tracas,

City Clerk

