

CITY OF CLEVELAND
CITY COUNCIL MEETING
AUGUST 10, 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 Josh Turner at 6:30 p.m.

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

APPROVAL OF AGENDA

On motion by Rebecca Yardley, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene, and carried unanimously, the Mayor and City Council voted to approve the agenda for the August 10, 2020 City Council Meeting.

ORDINANCE TO AMEND UTILITIES ORDINANCE 2020-21 – 2ND CONSIDERATION AND POSSIBLE ADOPTION

At the August 3, 2020 City Council Meeting, the Mayor and City Council reviewed the amendments to the Utilities Ordinance and made a first consideration of approval. The amendments are as follows:

Section 58-22: NOTICE TO DISCONTINUE SERVICE

- a) Any persons wishing to discontinue the use of city's water system, use of the city's sewer system, or both the city's water and sewer system, must give notice to the office of the Cleveland Utility Department. The account holder will continue to be invoiced for city services until such discontinuance request is made. A final bill will be processed and charged to the account holder if the holder's request is received ten or more days after the 15th of the month.
- b) Utility account holders, with an active account, for 10 (ten) or less days, whose water and/or sewer use is 2000 gallons or less will be assessed a fee of \$25.00 which will be deducted from the deposit.
- c) Utility account holders, with an active account, for 10 (ten) or less days, and whose water and/or sewer use is 2000 gallons or more, will be assessed a fee no less than a minimum utility bill.

Section 58-282: UNBILLED METERED CITY UTILITY ACCOUNTS - POLICY

- d) All water service shall be fully metered and said water meters shall be read monthly to the nearest 100 gallons.
- e) The City of Cleveland Public Works Department is comprised of City Personnel and City facilities financed through both the General and Water/Sewer funds.
- f) All City Departments interconnect with the use of City facilities which include the use of water and sewer services. Water and sewer use is metered for each facility and use is accounted for monthly.
- g) City Departments are not billed for the usage by the Utility Department, but is represented as an overhead expense through the production of water and treatment of sewage.

On motion by Bradley Greene, seconded by Nan Bowen, in favor – Rebecca Yardley and Kevin Stanley, and carried unanimously, the Mayor and Council voted to accept the second consideration and approved the amendments to the Utilities Ordinance – Section 58-22 Notice to Discontinue Service and Section 58-282 Unbilled Metered City Utility Accounts – Policy.

RON CANTRELL – UPDATE ON TALON DESIGN

Mr. Ron Cantrell came before the Mayor and Council to present the latest conceptual design of the Talon building. Mr. George Hlavenka joined through video conference.

Mr. Cantrell explained the overwhelming comment from the last presentation was the lack of design for the community room. Mr. Cantrell presented a new design resembling a train depot. Mr. Hlavenka added the design group took another look at the old time square look to incorporate in the design.

The community room will be a pre-engineered building with a façade on the front and back higher than the pitch of the roof. The front façade will have three entry ways and three large windows to bring light into the foyer. The side of the building will mimic the look of a train station with a gable roof and overhang. Bradley Greene asked if the side of the building would be seen from the highway. Mr. Cantrell answered no, the building would sit too far back.

Mayor Turner asked if there is a cost difference for the side design of the building. Mr. Cantrell answered the group originally considered a flat roof and not the gable shown. A flat roof would require structural steel. Mr. Cantrell conducted a costs analysis several years ago and found structural steel to be \$15 per square foot more than a pre-engineered roof.

Nan Bowen, Tom O'Bryant, Ron Cantrell, and George Hlavenka have been working on the design but would like input from the City Council.

Ward Gann, local business owner, asked about the proposed seating for the community room. Mr. Cantrell informed the room with rectangle tables could seat approximately 250, round tables 150 – 180, and regular seating with no tables 450 to 500.

Mr. Gann asked if there would be storage to store the tables and chairs and Mr. Cantrell answered yes. Mr. Gann asked if the kitchen was going to a full commercial kitchen. Mr. Cantrell answered it has not been determined but most community rooms have a warming kitchen instead of a full commercial kitchen. Nan Bowen asked about the size of the kitchen and Mr. Hlavenka answered 25 x 40. Mayor Turner asked about adding bathrooms to the foyer area. Currently, the design shows the bathrooms to the back of the room and anyone that would need to use would have to walk through a meeting or event. Mr. Cantrell informed everything is still in the design stage and anything is possible.

Mayor Turner asked about the total amount of parking spaces. Mr. Hlavenka answered approximately 200 parking spaces will be available for the complex. The count does not include parking designated for police and fire departments.

Rebecca Yardley asked if other cities have this size of a facility. Mr. Cantrell answered he did not know, but the thought early in the design process is the facility be the anchor for the community and have all city services in one building. The building will offer needed facilities for the community.

RON CANTRELL – UPDATE ON TALON DESIGN - continued

Bradley Greene expressed his hope for the facility to become the new town center. Not in a way to take the place of the historic downtown square area, but to add another focal point to Cleveland. Mr. Greene feels the facility and the proposed uses will encourage the right type of business to develop around the new complex. Mr. Greene added the downtown area is limited to growth and has found several cities that have relocated its town center away from the square area to encourage growth.

Mr. Cantrell added he visited the city of Charlotte and city officials decided to move the facilities away from the square and the development followed. Mr. Greene stated that is exactly the goal for the new complex.

Ward Gann asked if there is a plan to utilize the existing structure. Mr. Cantrell informed it is impossible to use the existing building other than the building which is currently housing the fire trucks. There is asbestos in the roof and the steel columns are unable to hold a new roof and is unsafe. Another problem is the front entry is not ADA accessible and is about six and one half feet above the parking grade level.

Dean Dyer, WRWH Radio, asked if there would be improvements to Campbell Street due to the increase in traffic flows when the complex is completed. Mr. Cantrell stated the city would need to work with the Georgia Department of Transportation for improvement plans. The cut shown on the highway is too steep to use for access and there is little hope DOT will allow a commercial cut. Mr. Cantrell informed the city will need to look at the entrances of Hood and Campbell Street. Mr. Dyer expressed his concerns of trying to enter on to the highway from Campbell Street. Mr. O'Bryant informed DOT has conducted a safety audit for street entrances. The audit is a draft and needs to be reviewed.

BRIAN RINDT – CITY ENGINEER

Brian Rindt, City Engineer, discussed the three projects the city has going for infrastructure improvements.

1. The 12" waterline bid from North Georgia Pipeline, Inc. has been approved in the amount of \$451,285.00. The project is to upgrade the water line to a twelve-inch line from Hulsey Road to the Warrior Tank on Albert Reid Road. The City Council will need to approve the Notice of Award. The notice will be sent to the contractor for a signature after which the contract documents will be sent to the council for approval.
2. GDOT contractors continue with the move of the utilities on Phase III of the bypass. All the material is in and the first section of the water line (Catholic Church to first culvert) has been pressure tested, disinfected, and flushed. The sewer lines have been pressure tested and flushed. There have been several mishaps on the project, but the project continues. Once completed the city will tie all customers to the new line and kill the old line.
3. Mr. Rindt and the city is working with GEFA to satisfy the requirements of the loan for the new wastewater treatment plant. There is an issue with the allocation the city is requesting. GEFA is questioning the 1.5 mgd request. Throughout the process, GEFA has been fine with the allocation, but is now questioning. The city's application is scheduled for the August GEFA meeting, but if the loan conditions are not worked out it may fall on the November agenda.

BRIAN RINDT – CITY ENGINEER - continued

Mayor Turner asked when the August meeting will be held. Mr. Rindt believes the meeting will be held the week of August 24. Mr. O'Bryant informed EPD has accepted the Notice of No Significant Impact for the new facility and the city is gathering additional information to submit with the design plans.

In reference to the Notice of Award to North Georgia Pipeline, Inc. for the twelve-inch water line upgrade, Mayor Turner asked for a motion to accept.

On motion by Bradley Greene, seconded by Nan Bowen, in favor – Rebecca Yardley and Kevin Stanley, and carried unanimously, the Mayor and City Council voted to approve and issue the Notice of Award to North Georgia Pipeline, Inc. in the amount of \$451,285.00 for the waterline upgrade on Hulsey Road.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

Chief John Foster, Police Department, did not have new business to report.

GRANT KEENE – CITY ATTORNEY

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

TOM O'BRYANT – CITY ADMINISTRATOR

Tom O'Bryant, City Administrator, presented and discussed the conditions of the acceptance of the CARES Act funding for expenditures related to the pandemic.

1. Resolution 2020-23 CARES Act

- a. The US Congress passed the Coronavirus Aid Relief and Economic Security Act (CARES Act) on March 27, 2020 to provide vital resources to governments, business and individuals combating COVID-19. The act created the Coronavirus Relief Fund (CRF) to provide financial resources to state and local government. The Governor's Office and the Office of Planning and Budget have created a plan and program to disburse funds to local governments for qualify expenses resulting from the pandemic.
- b. The funding occurs in two phases. The first phase is for immediate funding of expenses that were not planned in the previous budget year. Funds must be applied for by September 1, 2020. The second phase is for qualifying expenses that will be incurred up through December 30, 2020. The City is eligible for over \$65,000 of advance expenses in phase 1 and up to \$218,000 of total allocation of funds. Currently the city has incurred \$9,743 in expenses addressing supplies and issue resulting from the pandemic.
- c. The OPB created a grant portal for the City to register and submit qualifying expenses and receive reimbursement for activities and supplies combating the pandemic. GMA will be proving training on eligible use of funds, reporting requirements and documentation of reimbursements.
- d. The City must complete an Agreement with the State that identifies the terms and conditions of receipt and use of funds. City Council must also adopt a resolution as an official act authorizing the execution of the agreement and acceptance of payments, and designating the person(s) as the official representatives or designees to act in connection with the grant and to provide such additional information as may be required.

TOM O'BRYANT – CITY ADMINISTRATOR - continued

The two authorized representatives or designees shall be Beth Allen, Finance Director, and Tom O'Bryant, City Administrator.

- e. The city attorney has identified if City Council authorizes the execution of the Agreement the city must provide assurances and comply with the following:
 - i. Uniform Relocation Assistance and Real Property Acquisitions Act
 - ii. Davis Bacon Act for labor standards
 - iii. Hatch Political Act
 - iv. National Historic Preservation Act and Endangered Species Act
 - v. Flood Disaster Protection Act and National Environmental Policy Act
 - vi. Wild and Scenic River Act, and Clean Air Act
 - vii. Laboratory Animal Welfare Act and Lead Based Paint Prevention Poisoning Act
 - viii. Trafficking Victims Protection Act and Pro-Children Act prohibiting smoking in indoor facilities
 - ix. All other federal and state laws governing the program.
- f. Staff and city officials administering the project shall provide certification for lobbying, debarment suspension and within the conditions and criteria required by the Drug-Free Workplace Act.
- g. Compliance deadlines within the agreement are not clear within the agreement and show potential conflict.
- h. If City Council adopt the resolution to authorize the execution of the Coronavirus Relief Fund Terms and Conditions Agreement there is no recourse for the city to address any ambiguities within the agreement with the State. Legal counsel advises the agreement is not in the best interest of the city and its officials.

Grant Keene, City Attorney, reviewed the agreement and provided notes. Mr. Keene expressed his concerns of the agreement protecting the grant agency and not the city. There are many underlying conditions that could possibly disqualify the city and force the city to reimburse the funds. Mr. Keene is not in favor of the council signing the resolution to participate.

Mr. O'Bryant informed the state was in a hurry to get the program to the counties and cities and there were no clear guidelines. GMA has submitted additional information, but the city council or city attorney has not had an opportunity to review. White County has already signed their version of a resolution to participate. GMA informed approximately 75% of cities have signed up for the funding. Mr. O'Bryant added there is no negotiating the agreement, the city will have to accept as written.

Mr. Keene stated his mission was to review and mark the issues he saw that would not be in the best interest of the city. Mr. Keene added this is a contract he would not advise anyone to sign and would be surprised if Governor Kemp would sign such a contract if the feds were offering the state funds. Mr. Keene understands the mission is to get funds, but there are a lot of things concerning about the agreement and feels there is a possibility of something going wrong, holding the city liable. Mr. Keene questioned if receiving the funds is worth the risk of the agreement.

TOM O'BRYANT – CITY ADMINISTRATOR - continued

Mr. Keene added he would not be doing his job if he did not inform the council of this being a high risk document.

Mr. O'Bryant stated it is the same type of agreement of grants the city has received in the past.

GMA sent a frequently asked questions list that listed information governments can report payroll and benefits for public safety from March 1, 2020 through September 1, 2020. The city will need to act within the next week to submit by the September 1, 2020. Nan Bowen asked what the funds can be expended on. Mr. O'Bryant answered personal protective equipment, equipment, items for social distancing, etc. Ms. Bowen asked if the expenditures already made have put a strain on the city's budget. Mr. O'Bryant answered \$9700 spent is not a lot against the budget, but it was expenditures that were not expected.

Mayor Turner questioned the item on page 6 of the frequently asked questions – ***Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?*** No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by the required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close the businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

Mr. O'Bryant responded he has not heard from other cities as the program is new and being pushed through. Mr. O'Bryant stated he will ask the question of GMA but has heard from the White County Chamber of Commerce of offering assistance to small businesses.

Kevin Stanley questioned an item in the agreement on page 7 if the grantee fails to complete any imposed corrective action plan within 60 days, OPB reserves the right to require the grantee to return any previous grant fund payments or reimbursements in a manner and timeframe as determined by OPB – and followed by The State, at its sole discretion, may impose sanctions without first requiring a corrective action plan. Mr. Stanley felt the two statements were very contradictory and it leads to the city being set up for repercussions without a chance to complete a corrective action plan. Mr. Stanley knows the city will not do "wrong" on purpose, but the state deciding at its sole discretion is very concerning. Mr. Stanley personally does not want to sign an agreement he feels is one-sided.

Rebecca Yardley would like the opportunity to review the new information provided before a decision is made. Mayor Turner asked if she was making a motion on the issue.

On motion by Rebecca Yardley, seconded by Bradley Greene, in favor – Nan Bowen and Kevin Stanley, the Mayor and City Council voted to postpone the decision to approve Resolution 2020-23 CARES Act, and to review the new information provided, review the list of expenditures related to the pandemic, and to schedule a called meeting to make a final decision on Resolution 2020-23 CARES Act.

NEW BUSINESS

1. Public Comments – Annie Sutton thanked city staff for the information provided on the sewer line smoke testing being conducted in Ward 2. The citizens in the area received a mail-out explaining the smoke testing, a call was made to each account holder, and information is on the city's website.

OLD BUSINESS

1. The minutes of July 2020 were signed.

ADJOURNMENT

On motion by Rebecca Yardley, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene, and carried unanimously, the Mayor and City Council adjourned the City Council Meeting of August 10, 2020 at 7:38 p.m.




Josh Turner,

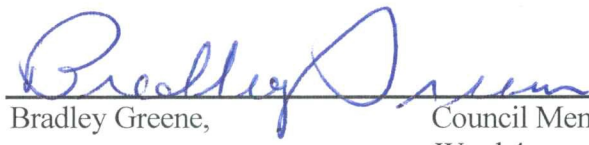
Mayor



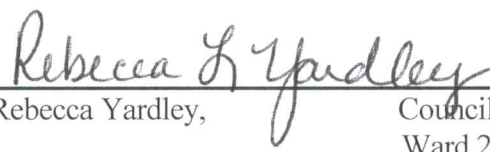
Kevin Stanley, Council Member
Ward 3
Mayor Pro Tem



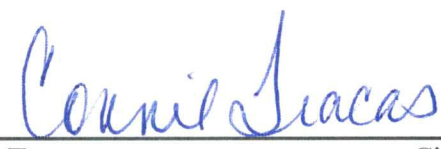
Nan Bowen, Council Member
Ward 1



Bradley Greene, Council Member
Ward 4



Rebecca Yardley, Council Member
Ward 2

Attest: 

Connie Tracas, City Clerk

