

**CITY OF CLEVELAND
CITY COUNCIL MEETING
FEBRUARY 8, 2016
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 7:05 p.m.

ROLL CALL

Council Members present: Annie Sutton, Bradley Greene, and Nan Bowen. Edward Young was absent.

APPROVAL OF AGENDA

On motion by Annie Sutton, seconded by Nan Bowen, in favor – Bradley Greene, and carried unanimously, the Mayor and Council approved the agenda for the February 8, 2016 City Council Meeting with the following changes:

1. Under new business - approval of a called meeting scheduled for February 22, 2016 for the following:
 - Sign ordinance
 - Resolution to adopt the joint comprehensive plan
 - Streets, Sidewalks, and Other Public Places ordinance – amendment utility use of right-of-ways
 - GEFA Loan documents
 - Other business as necessary
2. Under new business – approval for Eggstravaganza event and to provide city services – police, fire, and sanitation.
3. To delete the 2nd consideration of the draft sign ordinance and possible decision to lift the sign moratorium.

NADINE WARDENGA – PLANNING AND ZONING BOARD

- REZONING REQUEST – LARRY MCDANIEL REQUESTING A REZONING FROM R-I SINGLE FAMILY RESIDENTIAL TO B-II HIGHWAY COMMERCIAL BUSINESS; TAX MAP AND PARCEL 047A-059
- PLANNING AND ZONING BOARD RECOMMENDATION TO THE MAYOR AND COUNCIL ON THE DRAFT SIGN ORDINANCE

Nadine Wardenga, Planning and Zoning Board Chair, presented the application of Mr. Larry McDaniel, requesting a rezoning from R-I Single Family Residential to B-II Highway Commercial Business; Tax Map and Parcel 047A-059.

Ms. Wardenga informed Mr. McDaniel explained he would like to receive the zoning change to sell the property. The majority of the surrounding properties are zoned commercial and he feels it would be beneficial and an easier sell if the property was zoned commercial. Mr. McDaniel plans to add a piece from an adjoining lot (zoned commercial) to the 1.12 acres making the total 2.21 acres.

Connie Tracas, City Clerk, informed the area is conducive to commercial and the developer would have to install a landscape barrier to the one piece of residential property that abuts the property in the zoning request. The rezoning request meets the future land use plan as Helen Highway is a future commercial corridor.

NADINE WARDENGA – PLANNING AND ZONING BOARD - continued

On motion by Jeff Groves, seconded by Wilma Pittman, in favor - Arthur Palmer, Linda Hobbs, and Dennese Stringfellow, and carried unanimously, the Planning and Zoning board members voted to recommend approval of the application Larry McDaniel the request to rezone approximately 1.12 acres of property, Tax Map and Parcel 047A -059 located at Old Nacoochee Road and Helen Highway from R-I Single Family Residential to B-II Highway Commercial Business.

There were no public comments on the rezoning request.

On motion by Bradley Greene, seconded by Annie Sutton, in favor – Nan Bowen, and carried unanimously, the Mayor and Council voted to accept the Planning and Zoning Board's recommendation and rezone approximately 1.12 acres of property, Tax Map and Parcel 047A -059 located at Old Nacoochee Road and Helen Highway from R-I Single Family Residential to B-II Highway Commercial Business.

Ms. Wardenga informed the Mayor and Council of the board's discussion of the draft sign ordinance. Connie Tracas, City Clerk, explained to the Planning and Zoning Board the reasoning for the changes is due to a Supreme Court ruling of regulating content. The Supreme Court's ruling stated content is restricted when an ordinance includes language which refers to color, design, attractive, clear manner, etc. Content is considered free speech and the city cannot make decisions based on the color or design choices of an applicant.

Connie Tracas, City Clerk, informed the board, in addition to deleting the above referenced language, the city decided to look at other areas of the ordinance to create a more viable ordinance.

- Increase window signs from 10% to 30% - after researching, the city feels the increase would not impact the site view of emergency personnel
- Increase changeable copy from 20% to 30%
- Increase the Sign District 2 monument sign size from 70 square feet to 100 square feet – This change is asked to be considered due to the size of the Chick-Fil-A sign. The sign is 100 square feet (including the base) and there is a consensus the sign is not obstructive or intrusive.
- Proposing to allow illuminated rope lighting in Sign District 2 & 3. The brightness of the lighting would be limited to 3-candle foot lighting.
- Increase the height of billboards from 22.5 feet to 30.5 feet

The board members discussed the changes. Linda Hobbs expressed her concern of the height of billboards. Ms. Hobbs feels the area within the city is not appropriate for the proposed height. Mr. Jeff Groves agreed and stated if the city has to accept an application for a billboard, and the billboard company feels, through hardship, the board needs to be higher, than the applicant can request a variance. The other board members agreed the height should stay at 22.5 feet.

The board members discussed allowing illuminating rope lighting but want to make sure the candle foot light is low. The board also discussed limiting the light to around the perimeter of a building, such as below the roof line and on a permanent canopy. The board would not recommend allowing the lighting around windows or signs.

NADINE WARDENGA – PLANNING AND ZONING BOARD - continued

On motion by Wilma Pittman, seconded by Linda Hobbs, in favor – Arthur Palmer, Jeff Groves, and Dennese Stringfellow, and carried unanimously, the Planning and Zoning Board approved to recommend the proposed changes to the sign ordinance with the following exceptions:

- Billboard height may not exceed 22.5 feet.
- Illuminated rope lighting is limited to the perimeter of a building and on a permanent canopy. Rope lighting around windows is prohibited.

Annie Sutton asked why rope lighting was not allowed on windows. Ms. Wardenga answered it is because the city cannot restrict color and the board it would not be in the best interest in the city.

Bradley Greene asked if the billboard height affected existing billboard applications. Mr. Greene was informed the applications exceeded even the proposed billboard heights.

On motion by Nan Bowen, seconded by Bradley Greene, in favor – Annie Sutton, and carried unanimously, the Mayor and Council voted to accept the recommendation of the Planning and Zoning Board with the above noted changes.

The Mayor and City Council will hold a called meeting on February 22, 2016 to review and finalize the sign ordinance.

BRIAN RINDT – CITY ENGINEER

1. Brian Rindt, City Engineer, informed the Mayor and Council of the status of the 129 North Gravity Sewer project. The city needs to obtain easements from Ingle's, North Georgia Hardwood, and the Allison family.
Dan Hicks, Ingle's Real Estate, is reviewing the easement documents, and will forward for corporate review.
North Georgia Hardwood President, Jim Howard, has realized he will not be able to build a new office in the area of the proposed sewer line and does not have issue with the easement. Mr. Howard wants to make sure the easement does not affect the existing retention pond. The pond is needed if the hardwood company wants to expand in the future. Mr. Howard will get with London Surveying to evaluate the area.
The Allison Family has several stipulations to the easement and Mr. Rindt is reviewing each one.
2. The City has received the archeological survey for the property of the south water tank. The study was required by the State Historical Society. The firm did not find any significant historical issues with the property. The city should be good to continue with the project.

Mayor Ash inquired about the retention pond at North Georgia Hardwood and if it required setbacks. Mr. Rindt explained the sewer would go on the outside edge of the berm from the pond to the driveway. To expand the pond, the company will need to add dirt to the berm, but will not have an impact on the sewer easement.

GRANT KEENE – CITY ATTORNEY

Grant Keene, City Attorney, will have the GEFA loan paperwork ready for signature at the February 22, 2016 called meeting. The loan is for the 129 North Gravity Sewer project.

**SIGN ORDINANCE - 2ND CONSIDERATION OF THE DRAFT ORDINANCE,
CONSIDERATION OF THE RECOMMENDATION OF THE PLANNING AND ZONING
BOARD, POSSIBLE ADOPTION, AND POSSIBLE DECISION TO LIFT THE SIGN
MORATORIUM**

The decision of the sign ordinance and the sign moratorium has been postponed until February 22, 2016 at a called city council meeting.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

1. Chief Foster had a few corrections to make to the statistics and will report next month.
2. Cleveland officers, as well as selected city staff, went through a series of simulated firearms training. Each participant was required to react to certain emergency situations using a simulated firearm. Chief Foster expressed the training was an eye-opener to what an officer could face and how quick they need to respond.
3. Chief Foster has hired three new officers and will make a point to introduce to the Mayor and Council.

NEW BUSINESS

1. On motion by Bradley Greene, seconded by Annie Sutton, in favor – Nan Bowen, and carried unanimously, the Mayor and Council voted to approve a called meeting for February 22, 2016 to discuss the following:
 - Sign ordinance
 - Resolution to adopt the joint comprehensive plan
 - Streets, Sidewalks, and Other Public Places ordinance – amendment utility use of right-of-ways
 - GEFA Loan documents
 - Other business as necessaryMr. Rindt feels like it is ok for the city to finalize and sign the GEFA loan documents for the 129 North Sewer project.
2. The White County Chamber of Commerce is requesting approval for the Annual Eggstravaganza event along with city police, fire, and sanitation services. Chief Foster asked if Babyland has considered holding the parade closer to Babyland. Cindy Bailey stated it would make sense to have the parade closer to the events at Babyland, but Xavier would like to keep the parade in the downtown area at this time. Ms. Bailey informed the event coordinators are looking to add a car show to increase participants. Chief Foster explained it would simplify logistics as he has to coordinate with the sheriff's office and other public safety agencies to get people from one end of town to another.

Judy Lovell asked how would the downtown businesses feel about the change. Bradley Greene stated he would welcome the change. The parade route takes up parking on the square and he generates very little business. Mr. Greene feels the events need to be centralized and added most people don't want to run across town to make each event.

On motion by Bradley Greene, seconded by Nan Bowen, in favor – Annie Sutton, and carried unanimously, the Mayor and Council approved the event and will provide police, fire, and sanitation services. Mr. Greene added to look at the best way to change the parade route to be more centralized to the Eggstravaganza event activities.

3. Cindy Bailey, White County Chamber of Commerce, informed the Mayor and Council of the resolution, signed by the White County Board of Commissioners, designating White County as a State Outdoor Adventure Designation. The resolution will be presented to Senator Steve Gooch when a county delegation will go to White County Day at the Capitol on February 24, 2016.

White County has more state parks than any county in the state and the county should capitalize on this designation. Businesses have developed because of the outdoor activities. Nan Bowen stated this is a great opportunity for the county and the city.

On motion by Bradley Greene, seconded by Annie Sutton – in favor – Nan Bowen, and carried unanimously, the Mayor and Council voted to promote support of the Georgia Outdoor Adventure designation.

Annie Sutton will join the delegation to the capital as a representative of the city.

4. Public comments – Judy Lovell, White County Historical Society, thanked the Mayor and Council for their continued support. Ms. Lovell stated the museum is working to extend hours.

Annie Sutton asked Terry Goodger, White County Commissioner, when the Welcome to Cleveland sign would be raised on the south end of town. It was explained the county did not own the sign, but rather the White County Chamber of Commerce. There are future plans to work with DOT on installing a monument sign that may be able to list events in Cleveland.

Nadine Wardenga expressed her appreciation to the Cleveland Police Department. There was an incident of an elderly stranded motorist and Officer Totherow assisted the woman. Ms. Wardenga stated the city has great officers.

Nan Bowen informed Ms. Lovell of her appreciation of the Historical overlay presentation of White County. Ms. Lovell hopes the city will endeavor in a similar study. The study did not include the cities due to rules of the group conducting the study. Grant Keene stated he enjoys Ms. Lovell's articles in the newspaper.

Cindy Bailey and Judy Lovell informed the council of new websites.

OLD BUSINESS

1. The minutes of January were signed.

EXECUTIVE SESSION

On motion by Annie Sutton, seconded by Bradley Greene, in favor –Nan Bowen, and carried unanimously, the Mayor and Council voted to enter into executive session to discuss land acquisition at 7:55 p.m.

RETURN TO COUNCIL MEETING

On motion by Annie Sutton, seconded by Nan Bowen, in favor – Bradley Greene, and carried unanimously, the Mayor and Council voted to return to the City Council Meeting at 9:02 p.m. No further business was discussed.

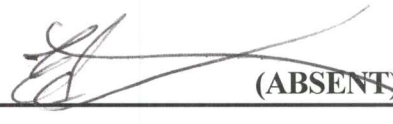
ADJOURNMENT

On motion by Nan Bowen, seconded by Annie Sutton, in favor – Bradley Greene, and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of February 8, 2016 at 9:03 p.m.




Shan Ash a/k/a Roy Ash, III,

Mayor


(ABSENT)

Edward Young,

Council Member



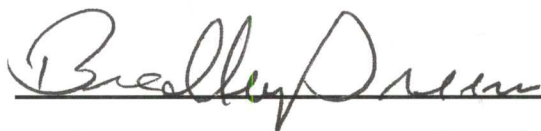
Annie Sutton,

Council Member



Nan Bowen,

Council Member



Bradley Greene,

Council Member

Attest:



Connie Tracas,

City Clerk

