

**CITY OF CLEVELAND
CITY COUNCIL MEETING
APRIL 4, 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 7:00 p.m.

COUNCIL MEMBERS PRESENT: Annie Sutton, Bradley Greene, Edward Young, and Nan Bowen.

APPROVAL OF AGENDA

On motion by the Annie Sutton, seconded by Bradley Greene, in favor – Edward Young and Nan Bowen, and carried unanimously, the Mayor and Council voted to approve the agenda for the April 4, 2016 City Council meeting with the addition of the approval of removing trees on Faulkner Street.

2016-05 STANDARD DEVELOPMENT SPECIFICATIONS – 2ND CONSIDERATION AND POSSIBLE ADOPTION OF AMENDMENT TO THE STANDARD DEVELOPMENT SPECIFICATIONS REGULATING EXTERIOR MATERIALS FOR COMMERCIAL BUILDINGS

The Mayor and City Council discussed the amendment to the standard development specifications. By inserting a new I Section II. General Construction Requirements; B. Commercial Buildings, by adding B.2 Materials for Commercial Buildings

Purpose. The standards in this Code Section will provide a consistency to the development character, thereby enabling the long-term preservation of property values and the promotion of economic development. All proposed development shall meet the requirements of this Code Section.

Building Materials. To the maximum extent possible, proposed buildings shall utilize natural building materials, such as wood, stone, and brick on building exteriors, except that roofing materials may be man-made. Steel or other metals shall not be used on building exteriors, except as may be necessary for roofing, window trim, gutters, and downspouts. Unpainted concrete block, except when textured or tinted, shall not be used on building exteriors.

Accessory Uses. Trash receptacles, mechanical equipment, outdoor storage, loading docks, and other accessory uses should be located or screened in such a manner as to be hidden from view of the interstate highway and interchange access road.

Bradley Greene stated he felt it would add too much cost to regulate the entire building of the specified materials. Mr. Greene would like to consider only providing the façade is of the materials. It was mentioned that only regulating the façade would not prevent the sides and rear of the building from back and side streets and property that adjoin the developed property.

The city is also trying to obtain “Opportunity Zone” status. The state has designated a specific area mainly due to blight. This area is primarily metal buildings.

On motion by Bradley Greene, seconded by Edward Young, in favor Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council voted to table/postpone the adoption of the amendment to the Standard Development Specifications until it can be written to not include the entire building of the specified materials.

SANITATION RATE INCREASE – DISCUSSION

The reporting for 2015 shows the department is at 73.85% revenues to full cost. There is a state requirement to include indirect cost (less Donald Hunt, Ricky Hunt, and Tom Guy's salary and the fire department). The full cost of indirect cost is calculated at a lower percent based on employees to sanitation employees (7.69%).

Although it will not cover the shortfall, a 25% increase is being proposed. This is a minimal increase for residential but will be a huge hit on commercial.

Bradley Greene stated the sanitation department had to operate as a business and should not have a shortfall. Mayor Ash stated the city needed to stay on track to keep revenues and expenses in line. The last time the city increased sanitation rates was 2005. The Mayor and Council would like to post the proposed new rates at City Hall. The Mayor and Council will consider the proposed rates before the 2016/2017 budget is adopted.

CHIEF RICKY PRUITT – FIRE DEPARTMENT

Chief Ricky Pruitt, Fire Department, reported the department's statistics for March 2016. The department worked 43 city calls and 40 county calls. The department assisted the county with seventeen calls outside of the automatic aid district. The department showed a 7% increase from March 2015.

The Cleveland Fire Department has received its Rescue License from the Department of Homeland Security. The fire department has been diligent with its training and maintenance on the rescue truck. The license is good for three years.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

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

GRANT KEENE – CITY ATTORNEY

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

NEW BUSINESS

1. The Mayor and Council discussed leasing the (former) substation. Bradley Greene has been approached by a prospective renter. It was found the city did not have to bid the lease, but would need a lease agreement in place and a monthly rate would need to be determined. The city planned to renovate the building into public restrooms but found the area too small for ADA accessibility. The city auditor has confirmed the city can designate the monthly rent for a specific project and deposit in a separate account.
Grant Keene stated the sample lease agreement from the City of Elberton was the most sound and could easily fit for Cleveland. Mr. Keene would add the requirement to state the purpose of the business to be conducted in the building, the lessee's responsibility of all utilities, and a security deposit. Mr. Keene will define the legal description and the property address. The Mayor and Council discussed the monthly rate is \$375.00 with a \$375.00 security deposit.

On motion by Edward Young, seconded by Nan Bowen, in favor – Annie Sutton and Bradley Greene, and carried unanimously, the Mayor and Council voted to move forward on leasing the substation at \$375.00 per month, with a \$375.00 security deposit. The funds will be deposited in a separate account and will be designated for the use of future public restrooms.

NEW BUSINESS - continued

2. The Mayor and Council discussed a property line setback variance request for 345 Faulkner Street.

In 2002, the council approved a building permit for Dianne Palmer. The permit was issued to enclose a carport and build a new carport. At the time, Ms. Palmer owned the adjoining lot and was given a variance/stipulation, in which she agreed, if lot 1 is sold part of parcel 74 will have to be moved over 10 feet from the building edge. At the time, a 10 foot side yard setback was required. There is not a way to “flag” a property for future staff or a future council to know to make sure variances/stipulations are followed.

Ms. Palmer has built a house on lot 1 and there is a setback issue with 345 Faulkner. The setback is 7.5 feet from building to property line. It seems the city council’s intent was to honor the old 10 foot side yard setback, but will now need to be reduced to 7.5.

On motion by Bradley Greene, seconded by Edward Young, in favor – Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council of the City of Cleveland expressly rescinds the stipulation set forth in the Building Permit No. 345 issued by the City of Cleveland to Dianne Palmer on March 4, 2002, for an addition to the residence (the primary structure) located at 345 Faulkner Street (on Lot 2, Block “A” of the Charles Black & John Palmour Property shown in Plat Book 9, page 114, White County records), which stipulation was as follows: “if you ever decide to sell lot #1 part of parcel 74 to connecting line will have to be moved over for 10 ft. setback from building edge”; and said Mayor and Council grants a variance to the owner(s) of said Lot 2, Block “A” so that said existing residence (the primary structure) located on said Lot 2, Block “A” will not be considered to be in violation of the present City of Cleveland side line setback requirement of fifteen (15) from the lot boundary common to said Lot 1 and Lot 2. Copy of Plat attached.

Dianne Palmer and Rex Palmer (owners) and Rebecca Ferguson (buyer) signed they have expressly approved the granting of the above described variance by the Mayor and City Council.

3. On motion by Nan Bowen, seconded by Annie Sutton, in favor Bradley Greene and Edward Young, and carried unanimously, the Mayor and Council approved the minutes of March 7, 14, and 21, 2016.
4. On motion by Bradley Greene, seconded by Annie Sutton, in favor – Edward Young and Nan Bowen, and carried unanimously, the Mayor and Council voted to approve the tree removal of three trees on Faulkner Street at \$2000.00 by Kat Tree Service. The trees roots are breaking the asphalt on the streets and are on the city’s right-of-way.
5. Public comments – Michelle Waters came before the Mayor and Council to refuse the \$1000 offer to fix her alleged water problem in her yard. Ms. Waters contend the city caused her yard to retain water after installing the Truelove sewer line. Mr. Waters claim the water has caused the ground to remain wet, rotten, and smells. Mr. Waters stated the crew changed the flow to go towards the house and not towards the creek.

Mayor Ash stated he and Edward Young would come and visit the site when time permits. Ms. Waters left her phone number for contact.

NEW BUSINESS - continued

Public comments – continued

Judy Lovell thanked the Mayor and Council for the continued support of the White County Historical Society. The society's museum has had numerous visitors but has heard that some tour buses have taken the museum off the route due to the difficulty getting to the building from the highway. Ms. Lovell asked if the city would provide police assistance if a tour needs help crossing the highway.

Chief Foster stated his department has assisted in the past. Chief Foster is unable to bring in off-duty officers, but if he is contacted in advance, he can try to make arrangements for on-duty officers to assist. Nan Bowen suggested a bus could park at the chamber and the visitors could use the sidewalks and the north end crosswalk to make it safely to the museum.

Debbie Gilbert, White County News, inquired about the lot vacated by Kangaroo gas station. The new owners have plans to sell the lot and possibly demolish the building. Ms. Gilbert suggested the lot could be used for public parking.

OLD BUSINESS

There was no old business to discuss.

EXECUTIVE SESSION

On motion by Edward Young, seconded by Annie Sutton, in favor Bradley Greene and Nan Bowen, and carried unanimously, the Mayor and Council voted to enter into executive session to discuss possible land acquisition at 7:40 p.m.

RETURN TO CITY COUNCIL MEETING

On motion by Edward Young, seconded by Bradley Greene, in favor Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council returned to the City Council Meeting at 8:07 p.m.

On motion by Edward Young, seconded by Bradley Greene, in favor Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council voted to proceed with the conditions set by the Allison Family state so that the city may obtain a sewer easement for the 129 North sewer project.

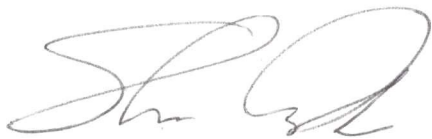
1. Rezone to roadside commercial (B-2)
2. Set back variance on Hwy 129 from 30 ft. to 20 ft. – from right-of-way
3. Rear set back variance along Pardue Circle – back to the edge of the permanent sewer easement.

Edward Young stated if the city did not comply with the conditions, the project would need to be cancelled.

ADJOURNMENT

On motion by Annie Sutton, seconded by Nan Bowen, in favor Bradley Greene and Edward Young, and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of April 4, 2016 at 8:12 p.m.

Signatures next page



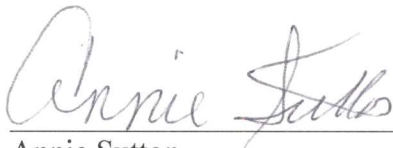
Shan Ash,

Mayor



Edward Young,

Council Member



Annie Sutton,

Council Member



Nan Bowen,

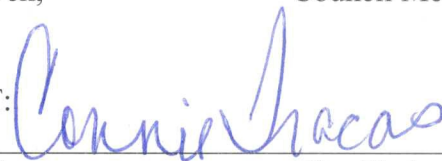
Council Member



Bradley Greene,

Council Member

ATTEST:



Connie Tracas,

City Clerk

