

CITY OF CLEVELAND
CITY COUNCIL MEETING
MAY 9, 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 Bradley Greene, seconded by Edward Young, in favor – Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council voted to approve the agenda of the May 9, 2016 City Council Meeting.

NADINE WARDENGA – REZONING REQUESTS

- Mary Anna Allison Houston requesting a rezoning from R-I (residential district) to B-II Highway Commercial Business for 2.07 acres of property, Tax Map and Parcel 033B-081 (portion of 081 on the north side of Hwy. 129 North) located on Highway 129 North and Pardue Circle.
- Hardwoods, Inc./James W. Howard requesting a rezoning from R-I (residential district) to Industrial for 2.50 acres of property, Tax Map and Parcel W47A - 28 (also referenced as tax map C5-15) located on Helen Highway and Appalachian Trail

Nadine Wardenga, Chair of the Planning and Zoning Board presented the application of Mary Anna Allison Houston. Ms. Wardenga read from the minutes which is incorporated herein.

The chair presented the application of Mary Anna Allison Houston requesting a rezoning from R-I (residential district) to B-II Highway Commercial Business for 2.07 acres of property, Tax Map and Parcel 033B-081 (portion of 081 on the north side of Hwy. 129 North) located on Highway 129 North and Pardue Circle.

A setback variance request on Highway 129 North from 30 feet to 20 feet from right-of-way. A setback variance request on Pardue Circle to the edge of the permanent sewer easement.

Ms. Wardenga opened the floor to Ms. Deana Allison for comments. Ms. Allison stated she feels the area will eventually be zoned commercial.

Ms. Wardenga asked if there was anyone present that wanted to speak on the zoning request. Several surrounding property owners were present.

Mr. Paul Croslin, 84 Pardue Circle, stated he is opposed to the zoning as the property has been a buffer between the homes on Pardue Circle and Highway 129 North. Mr. Croslin stated he feels the traffic will increase once the bypass is completed and if the property is developed it will open the homes up to Highway 129 and that is a poor idea.

Ms. Mary Ann Johnson, Pardue Circle, stated she would be okay with a professional business building, such as a dentist office with normal working hours, but expressed concerns of the possibility of a convenience store with bright lights and constant traffic. Ms. Johnson also expressed concerns of access to Pardue Circle. The street is narrow and cannot accept a lot of traffic. The street was basically built for the three homes on the property and not for heavy traffic. Ms. Johnson also mentioned the trout stream and questioned how usable the property would be. Ms. Wardenga agreed there is not a lot of usable space.

NADINE WARDENGA – REZONING REQUESTS - CONTINUED

Mr. Larry Johnson asked if the zoning change would be considered spot zoning. Ms. Wardenga answered no, the board does not spot zone. Mr. Johnson expressed his concern of a possible 24-hour gas station, which would cause an annoyance, and extra traffic on Pardue Circle.

Ms. Wardenga asked the group if they were open to a business that had normal business hours, such as Monday – Friday. Ms. Johnson stated again her concern of access to Pardue Circle. Henrietta Sutton and Arthur Palmer both stated there should be no worries of a gas station locating on the property due to the trout stream. Mr. Palmer also stated the lot was full of rocks and hasn't been used for years and it may not be used for many more years.

Paula Alicea, Pardue Circle, stated her concern of not knowing what type of business may not be pleasing and reduce their homes property values. Ms. Allison answered that it could also increase their property values. Connie Tracas, City Clerk, informed the Future Land Use plan shows the property as residential but that may be due to the proximity of the surrounding homes. The corridor (highway 129 North) is shown as commercial.

Mr. Jeff Groves, informed the board had the same situation with the property on Quillian Street and the neighbors came to an agreement to allow for a professional business building, designed to fit in with the surrounding homes, low-lighting, tree buffers, etc. These conditions have worked out well as the new owner if building a craftsman style building for a dentist office. Mr. Groves suggested the board use the same conditions.

On motion by Jeff Groves, seconded by Wilma Pittman, in favor – Richard Smith, Arthur Palmer, Linda Hobbs, Henrietta Sutton, and Dennese Stringfellow, and carried unanimously, the Planning and Zoning board members voted to recommend approval of the application of Mary Anna Allison Houston requesting a rezoning from R-I (residential district) to B-II Highway Commercial Business for 2.07 acres of property, Tax Map and Parcel 033B-081 (portion of 081 on the north side of Hwy. 129 North) located on Highway 129 North and Pardue Circle with the following conditions:

- Rezone tax map and parcel 033B-81, from R-I single-family residential to B-II highway commercial for professional office only
- A site plan must be pre-approved by the City of Cleveland
- Property cannot be joined or linked to another property
- Buildings, future or current, cannot be extended to another property
- A residential facade design is required (brick or siding). This includes sidewalls. Metal buildings are prohibited
- Side and rear yard mature vegetative buffers must stay in place to reduce light and sound pollution
- Must have low intensity outdoor lighting
- Internally lit signs are prohibited on the building or freestanding- for example a box sign with lights inside to illuminate the sign
- Entrance and exit to the property must be on Highway 129 North. Access through Pardue Circle is prohibited
- The conditions of this zoning change must be recorded and travel with the property deed.

The board also included in the motion to recommend approval of the setback variance request on Highway 129 North from 30 feet to 20 feet from right-of-way and a setback variance request on Pardue Circle to the edge of the permanent sewer easement.

Ms. Allison stated the sewer easement, requested by the city, is contingent on the zoning change. Ms. Allison was reminded to be present at the May 9, 2016 City Council Meeting.

Ms. Deana Allison, representing the applicant, asked about the requirement of a decel lane. Ms. Allison was told the city does not require a decal lane, but it may be required by the Georgia Department of Transportation. The Allison family would like to use the first fifty feet of Pardue Circle for access to the property. Bradley Greene stated that request would change the provisions of the zoning board's recommendation. Mr. Greene added the access to the property and the requirements are up to the future property owner. Mr. Greene asked if the family is willing to sign the sewer line easement. Ms. Allison answered she cannot give an answer.

NADINE WARDENGA – REZONING REQUESTS - CONTINUED

Nan Bowen informed by not having the final easement signed, the sewer project is being held up and it is critical to move forward. Annie Sutton agreed and added the benefit of the sewer line is not just for the Allison property. Bradley Greene stated sewer availability increases property values.

Ms. Allison stated her understanding is her family is trading for a zoning classification change for a signed easement. The family wants to use the half of Pardue Circle; they believe they own, for access to the property.

Ms. Paula Alicea opposed the use of Pardue Circle citing, there would be more traffic on the narrow street. Ms. Allison responded they cannot stop people from using Pardue Circle.

Mayor Ash informed the DOT may require a decel lane and the lot will need to be its own lot of record. Mayor Ash stated there is not enough room for a septic system and the property could only be developed with sewer. Ms. Wardenga added there is the issue with the trout stream and the rocky area.

When Ms. Allison asked what was discussed with her mother, Mrs. Houston, Edward Young stated nothing but the zoning change and variance setbacks. Brian Rindt, City Engineer, confirmed the discussion and stated “we are chasing our tails on this project.”

Mr. Paul Croslin, a resident of Pardue Circle, stated his main concern was access through Pardue Circle. Nan Bowen asked the residents if they were okay with the conditions set on the property. All in attendance answered yes. Mary Ann Johnson, a resident of Pardue Circle, expressed her appreciation of the conditions set on the property.

Mayor Ash asked if anyone in attendance had contributed to the campaigns of the Mayor and Council. The record shows no one answered.

On motion by Bradley Greene, in favor Edward Young, in favor Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council voted to accept the Planning and Zoning Board’s recommendation and rezone Tax Map and Parcel 033B-081 (portion of 081 on the north side of Hwy. 129 North) located on Highway 129 North and Pardue Circle from R-I (residential district) to B-II Highway Commercial Business for 2.07 acres of property. The Mayor and Council approved the setback variance request on Highway 129 North from 30 feet to 20 feet from right-of-way and a setback variance request on Pardue Circle to the edge of the permanent sewer easement.

Brian Rindt informed the city needed sixteen easements and we have fifteen signed.

Ms. Wardenga presented the seconded application of Hardwoods, Inc./James W. Howard requesting a rezoning from R-I (residential district) to Industrial for 2.50 acres of property, Tax Map and Parcel W47A - 28 (also referenced as tax map C5-15) located on Helen Highway and Appalachian Trail.

Ms. Wardenga read from the minutes which are incorporated herein.

The chair presented the application of Hardwoods, Inc. /James W. Howard requesting a rezoning from R-I (residential district) to Industrial for 2.50 acres of property, Tax Map and Parcel W47A - 28 (also referenced as tax map C5-15) located on Helen Highway and Appalachian Trail.

NADINE WARDENGA – REZONING REQUESTS - CONTINUED

Ms. Laura Elk was present to represent the applicant. Ms. Elk stated Mr. Howard would like to have the property made a part of his existing property where north Georgia Hardwoods is located. The proposed use of the property is to continue to use as a detention pond for water run-off. The city will actually increase the berm of the area when installing the new sewer line.

Ian Forest, a representative from Dr. Forest's office, was in attendance and was curious to know the intent. It was explained for better property tax rates it is to Hardwoods, Inc. benefit to combine the properties. The city does not allow mix zoning on one lot record, so the property would need to be rezoned for the use of the hardwood facility. Mr. Forest wanted to make sure there was not being anything built that would hurt the aesthetics of the area.

On motion by Henrietta Sutton, seconded by Jeff Groves, in favor – Richard Smith, Arthur Palmer, Linda Hobbs, Wilma Pittman, and Dennese Stringfellow, and carried unanimously, the Planning and Zoning board members voted to recommend approval of the application of Hardwoods, Inc. /James W. Howard requesting a rezoning from R-I (residential district) to Industrial for 2.50 acres of property, Tax Map and Parcel W47A - 28 (also referenced as tax map C5-15) located on Helen Highway and Appalachian Trail.

Ms. Elk was reminded to be present at the May 9, 2016 City Council Meeting.

Ms. Laura Elk was present to represent the applicant and had no further comments.

Mayor Ash asked if anyone in attendance had contributed to the campaigns of the Mayor and Council. The record shows no one answered.

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 accept the recommendation of the Planning and Zoning Board and rezone Tax Map and Parcel W47A - 28 (also referenced as tax map C5-15) located on Helen Highway and Appalachian Trail from R-I (residential district) to Industrial for 2.50 acres of property.

Ms. Wardenga expressed her appreciation for their work, stating she knows it's not easy when you know people and you have to take everyone, including homeowners, in to consideration when considering zoning matters. Bradley Greene stated the council has respect for neighborhoods. The Council expressed their appreciation for the work of the Planning and Zoning Board.

BRIAN RINDT – CITY ENGINEER

1. The city needs one more easement for the 129 North sewer line project. Once the easement is obtained, the city will be able to put the project to bid.
2. The USDA has a complete application for the water tank and well project. The city is waiting on approval.

2016-05 STANDARD DEVELOPMENT SPECIFICATIONS –4th consideration and possible adoption of amendment to the Standard Development Specifications regulating exterior materials for commercial buildings

The Mayor and Council reviewed the amendment to the Standard Development Specifications for exterior materials on commercial buildings. Grant Keene presented a document which reflected the changes discussed at the May 2, 2016 City Council meeting, which included allowing for metal doors and removing the requirement of loading docks being screened from public view. This is due to existing buildings that may renovate but have the loading doors at street view.

Annie Sutton commented she did not see any problems with the amendment and it was more of what the council was asking for.

Annie Sutton made a motion to accept the amendment to the Standard Development Specifications regulating exterior materials on commercial buildings. Nan Bowen seconded the motion. Bradley Greene and Edward Young voted against the amendment.

Mayor Ash questioned if the amendment needed to be defined more to allow for variance requests. Mayor Ash discussed variances going through the council and not the Planning and Zoning Board. Mayor Ash feels this is not overstepping the zoning board and the council can decide.

Annie Sutton asked if the Wednesday committee was meeting and she was told no. Ms. Sutton asked that the committee began meeting again on Wednesdays.

Annie Sutton made a motion to withdraw her original motion to accept and to postpone/table the adoption of the amendment to the Standard Development Specifications regulating exterior materials on commercial buildings. Nan Bowen seconded the motion, in favor – Bradley Greene and Edward Young, and carried unanimously.

Judy Lovell asked if the amendment was meant to prevent metal buildings in the city and were the existing grandfathered in. Mayor Ash stated it was for new construction only and only existing buildings conducting 50% or more renovation would have to comply with adopted codes. Mayor Ash added the goal is to try and increase standards and improve the look of the city. There needs to be a balance.

GRANT KEENE – CITY ATTORNEY

Grant Keene, City Attorney, did not have new business to report but will have an item for executive session concerning real estate.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

Chief John Foster was not present.

NEW BUSINESS

1. On motion by Edward Young, seconded by Bradley Greene, in favor Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council approved the EPD Water System Inventory and Laboratory Services agreement. Mayor Ash was authorized to sign.
2. The Mayor and Council discussed the opportunity to hold a workshop retreat. Annie Sutton stated she thought it would be a good idea to make sure everyone is on the same page with the direction of the city. The fee from Carl Vinson is \$2300 and there will be venue, materials, and food costs. On motion by Nan Bowen, seconded by Annie Sutton, in favor – Bradley Greene and Edward Young, and carried unanimously, the Mayor and Council voted to schedule a workshop retreat.
3. Public comments – Debbie Gilbert reported street lights that are out.

OLD BUSINESS

1. The minutes of April 2016 were signed.
2. 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 accept the waterline replacement contract with Higgins Construction. The line would continue behind United Community Bank, run the length of Cagle Street and the city will purchase enough material to replace the line on Old Clarkesville Road.
3. 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 continue with the Georgia Power LED light replacement program. Mayor Ash was authorized to sign.

EXECUTIVE SESSION


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 enter into executive session to discuss real estate at 8:10 p.m.

RETURN TO COUNCIL MEETING

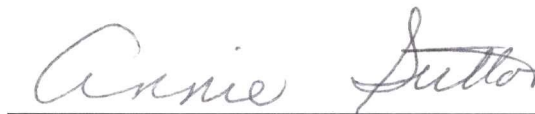
On motion by Bradley Greene, seconded by Edward Young, in favor – Annie Sutton and Nan Bowen, and carried unanimously, the Mayor and Council voted to return to the City Council Meeting of May 9, 2016 at 8:26 p.m. No further business was discussed.

ADJOURNMENT


On motion by Nan Bowen, seconded by Annie Sutton, in favor – Bradley Greene and Edward Young, and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of May 9, 2016 at 8:27 p.m.

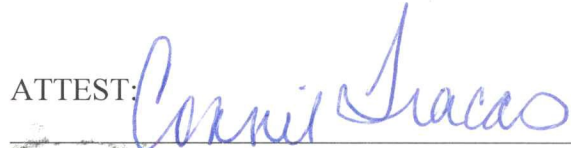

Shan Ash a/k/a Roy Ash, III Mayor


Edward Young, Council Member


Annie Sutton, Council Member


Nan Bowen, Council Member


Bradley Greene, Council Member

ATTEST: 
Connie Tracas, City Clerk

