

**CITY OF CLEVELAND
CITY COUNCIL MEETING
DECEMBER 5, 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 for the December 5, 2016 City Council meeting.

NADINE WARDENGA – PLANNING AND ZONING BOARD - Turnco Investment, LLC
requesting a change of use from B-II Highway Commercial Business to R-II Multi-Family Residential for approximately .45 acre of property, Tax Map and Parcel C01D-074 (C11-037) located at 29 Dixon Dr. (the corner of Highway 115 East -East Kytle Street and Dixon Drive).

Mayor Ash asked if anyone in attendance, in regards to the zoning hearing, had contributed to the campaigns of the mayor and council. No one in attendance answered.

Ms. Wardenga, Chair Planning and Zoning Board, presented the application of Turnco Investment, LLC requesting a change of use from B-II Highway Commercial Business to R-II Multi-Family Residential for approximately .45 acre of property, Tax Map and Parcel C01D-074 (C11-037) located at 29 Dixon Dr. (the corner of Highway 115 East -East Kytle Street and Dixon Drive).

Ms. Wardenga read the minutes of the Planning and Zoning Board meeting as follows:
Chairman Nadine Wardenga called the meeting to order at 6:30 P.M.

Members Present: Arthur Palmer, Wilma Pittman, Linda Hobbs, Dennese Stringfellow, Sam Pelletier, Henrietta Sutton, Jessica Adams and Jeff Groves.

The chair presented the application of Turnco Investment, LLC requesting a change of use from B-II Highway Commercial Business to R-II Multi-Family Residential for approximately .45 acre of property, Tax Map and Parcel C01D-074 (C11-037) located at 29 Dixon Dr. (the corner of Highway 115 East -East Kytle Street and Dixon Drive).

The proposed use of this property is for R-II Multi-Family Residential Use.

A variance has been requested to waive the requirement of a common space area for R-II Multi-Family Residential zoning.

A variance has been requested to allow seven units from five units.

Ms. Wardenga explained the variance request for the amount of units should have been to allow seven from four units. This is based on an email from City Clerk Connie Tracas referring to the code section on multi-family residential zoning.

Ms. Wardenga opened the floor to Mr. Travis Turner, co-owner Turnco Investment, LLC., for comments.

Mr. Turner stated he and his brother/co-owner Mark Turner is making the request to build a 7-unit apartment building on the proposed site. Mr. Turner stated his family has owned the property for ten years after his parents were approached by Mr. Chris Jones to purchase. Mr. Turner feels that the variance request is justified. If he is required to have an ADA unit, he may be only to have 6-units. The building exterior will be brick or stack stone with hardy-board planks. The comprehensive plan

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continued

shows the area as residential for future land use. Mr. Turner stated he had support from Ann Jackson, Hazel Howard, and James Allison.

Mr. Turner introduced his engineer James Irvin. Mr. Turner explained the design and informed there will be landscaping and buffering around the property. There are plans to create a hedge of giant evergreens as buffers. Mr. Turner added if the request was approved, he would conduct random inspections and would not allow tenants to break ordinances. Mr. Turner expects to provide middle-income housing.

Ms. Wardenga asked if anyone in attendance had comments on the zoning request.

Mr. Bill Dixon, 475 E. Kytle Street, expressed his concern of the increase in traffic on Dixon Drive. Mr. Dixon also expressed his concerns of Truett taking over the church property, and the proposed apartments being too big for the area. Mr. Dixon feels this will affect his property values.

Mr. Turner stated the plans are to construct a 5000 square foot building – 38' x 120' with each unit at 760 square feet (*note- $38 \times 120 \text{ equals } 5320 \div 7 = 760 \text{ square feet} / 5000 \text{ square feet} \div 7 \text{ units} = 714.29 \text{ square feet}$*). Ms. Wardenga stated the ordinance requires units to be at least 900 square feet. Mr. Turner replied he has not determined the exact size of each unit until there is a determination of the ADA requirement.

Mr. Mark Turner addressed the concern of traffic and stated no one living at the apartments will be backing in to Dixon Drive. Mr. Turner stated James Irvin conducted a traffic study and determined there would only be an additional 47 daily trips per day. Mr. Turner submitted letters of support from Truett McConnell College, Charles Jackson, James Waters, and Cleveland Worship Center.

Ms. Wardenga asked Mr. Turner of his variance request to waive the requirement of the common space area. Mr. Turner stated residents can use Woodman Park or Freedom Park. Mr. Turner cannot commit the use of the adjoining property now owned by Truett as an area for common space for the development.

Ms. Wardenga informed the ordinance does not allow for a variance on the common space area.

Ms. Wardenga asked the board what the recommendation is on the request to rezone.

On motion by Jeff Groves, seconded by Arthur Palmer, in favor Henrietta Sutton, Wilma Pittman, Jessica Adams, Sam Pelletier, and Linda Hobbs, the Planning and Zoning Board voted to recommend the rezoning request of Turnco Investment, LLC requesting a change of use from B-II Highway Commercial Business to R-II Multi-Family Residential for approximately .45 acre of property, Tax Map and Parcel C01D-074 (C11-037) located at 29 Dixon Dr. (the corner of Highway 115 East -East Kytle Street and Dixon Drive).

Dennese Stringfellow voted in opposition of the zoning request.

Ms. Wardenga briefly went over the history of the legal actions brought against the city from the previous owner, stating the city did not want a car lot or service station on the property.

Ms. Wardenga asked the board of the recommendation of the variance to allow for seven units instead of four. On motion by Wilma Pittman, seconded by Jeff Groves, in favor Henrietta Sutton, Arthur Palmer, Jessica Adams, Sam Pelletier, and Linda Hobbs, the Planning and Zoning Board voted to recommend allowing 4 to 7 units on the property.

Dennese Stringfellow voted in opposition of the variance to allow for seven units instead of four.

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Ms. Wardenga asked the board of the recommendation of the variance to waive the requirement of the common space area. On motion by Arthur Palmer, seconded by Wilma Pittman, in favor Henrietta Sutton, Jeff Groves, Jessica Adams, Sam Pelletier, and Linda Hobbs, the Planning and Zoning Board voted to recommend waiving the requirement of the common space area.

Ms. Wardenga stated the city council may not entirely agree with the board's recommendations.

Ms. Wardenga reminded the applicants the mayor and council will consider the requests at the December 5, 2016 city council meeting, 7:00 p.m.

Ms. Linda Hobbs questioned the requirement of buffers. Ms. Wardenga stated it is required in the rules and regulations.

On motion by Henrietta Sutton, seconded by Wilma Pittman, in favor Arthur Palmer, Jeff Groves, Jessica Adams, Sam Pelletier, Linda Hobbs, and Dennese Stringfellow, and carried unanimously, the Planning and Zoning Board adjourned the meeting of November 17, 2016 at 7:45 p.m.

Mayor Ash opened the floor to Mr. Travis Turner, Turnco Investments, LLC., for comments on the application.

Mr. Turner began by stating he feels the request for a zoning change and variances are justified and stated as such during the planning and zoning board meeting. Mr. Turner stated he will build units that will fit into the community for middle income families. Mr. Turner plans to make random inspections of tenants to make sure the units are kept in good order. The size of the units has not yet been determined until it is decided if there is a need for an ADA unit. Mr. Turner stated his appreciation to the planning and zoning board for recommending the zoning change and waivers. Mr. Turner did clarify, for the record, the units, top and bottom floors combined, will be approximately 1368 square feet which exceeds the 900 square feet minimum requirements.

As for the wavier on the required common space area, Mr. Turner stated there were other places in town that tenants could use, such as Freedom Park and Woodman Hall Park. Mr. Turner added the area had sidewalks on East Kytile.

Although Mr. Turner has no definite agreements or arrangements with Truett McConnell College, he would like to work with staff to provide housing. Mr. Turner stated he will be careful and respectful of the surrounding properties and his goal is to enhance the community. Mr. Turner stated he wants to be a good neighbor and as to the property of Mr. Dixon, Mr. Turner informed Mr. Dixon does not live at the property, but Ms. Dixon (sister) does. Mr. Dixon was at the zoning meeting in opposition of the zoning change.

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Mr. Turner informed he himself will manage the property and will not involve a third party. Tenants that violate ordinances will be evicted. Mr. Turner and Mark Turner, co-owner Turnco Investments, do not want to build something to mess up the area. The two own properties across the street from the proposed development. Mr. Turner has spoken to and received support from neighbors such as Joyce Henderson and Todd Campbell.

Nan Bowen stated her concern of the numbers of units and people in a small area. Ms. Bowen expressed her concerns of the increase in traffic and the safety of children. Mr. Turner responded a traffic study was conducted and it was determined an increase of forty-seven trips per day. Ms. Bowen countered by stating she lives diagonally to the property and it is a very busy traffic area. Ms. Bowen also questioned the accessibility to the back of the building. Mr. Turner referred to his preliminary site plan which shows a fifteen-foot side yard setback.

Bradley Greene asked Fire Chief Ricky Pruitt for his views on the project. Chief Pruitt stated with the slopes on the property and the power lines, there would be no place to set fire equipment for fire protection. The department would not be able to get fire trucks in the parking area of the development.

Annie Sutton asked why Mr. Turner would not want a common space area. Mr. Turner eluded to, in respect to the building location, Freedom Park and Woodman Park are available for extracurricular activities. Mr. Turner added, if he works out an agreement with Truett "who will need swing sets"? Ms. Bowen asked if the true intent was to rent to Truett students. She added students are a lot different than middle income families. Mr. Turner stated he cannot speak for Truett's finances.

Mr. Turner informed he will be a hands-on owner and would provide security cameras. Mr. Turner stated he is not questioning Fire Chief Pruitt's assessment, and referred to James Irvin, architect, on the question of accessibility. Mr. Irvin stated a fire truck could park on Hwy 115 East or Dixon Drive and the distance for required hose pull has been met. Mr. Irvin stated the city has these issues all over town.

Mr. Greene asked about the parking for the development. The city specifications state three per unit and Mr. Turner's plans show two per unit. Mr. Turner stated he is looking to add parallel parking spaces. He has not designed a full set of plans and will not until he receives the zoning change. Mr. Turner feels he has room to play with on the required setbacks. If an ADA unit is required, he will need to reduce to six units. Ms. Bowen stated that would create more parking.

Mayor Ash asked if anyone in attendance had comments for or against the zoning request. Mayor Ash asked that comments be kept to three minutes.

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Rush Mauney reminded the City Council of the work the Planning and Zoning Board and Council did eight years ago to correct the issues Mr. Turner has stated is all over town. Mr. Mauney stated he can name at least five developments that mistakes. Mr. Mauney informed he did not have a problem with this type of development, it is just in the wrong place. The point of correcting the ordinance was to correct the issues the city currently has all over town. Mr. Mauney pointed out the amount of variances requested to make this “fit”. Mr. Mauney expressed his opinion that a developer has the best intentions, but when properties pass hands, there is no guarantee the best intentions will stay intact.

Mr. Mauney begged the City Council to keep in mind the ordinance was developed for a purpose and needs to stay intact. He added the city is not inexperienced with this type of development and knows what will happen. There are too many things that do not fit, the size, units, fire protection, children safety, and traffic. Mr. Greene added he has a deep concern of the lay of the land for fire safety.

Mr. Turner stated he understands the reasoning of the ordinance and asked if the council is restricting growth in certain areas. Mr. Turner feels the property is a good laying lot and meets the city’s setback requirements. Mr. Turner stated if the council decides to allow six instead of seven units, he will work with that. Mr. Turner informed he needed seven units to get the return needed for cash flow.

Mr. Mark Turner stated he was in awkward position being co-owner and the pastor of the church next to the property. The church has a lease agreement with Truett McConnell College and Mr. Mark Turner stated he feels he may have a conflict of interest in the decision. Mr. Mark Turner went on to say he feels this is a good investment to make the community better. The company needs seven units to make the development work.

Mr. Travis Turner informed the property is now zoned B-2 commercial and does not fit the community. Mr. Turner stated the community does not want a business there and was surprised to know it was zoned business. Mr. Turner stated he was trying to do the right thing. Mr. Greene stated the B-2 zoning is with conditions. Mr. Turner stated he is aware of the conditions.

Dr. Jerry Jernigan, financial faculty at Truett McConnell College, came to speak in support of the zoning change. Dr. Jernigan stated Truett has issues with quality housing for professors, coaches, and staff. The college does not have an agreement with Turnco and the college has been speaking to the Bridge Church and Pilgrim Trucking.

Paul Norris, Cleveland Building Inspector, questioned the setbacks presented. Mr. Norris stated the setbacks show sixty-feet from Hwy 115 East and is shown as the side of the building. The building actually fronts Dixon Drive. Mr. Turner stated, for the record, he got the setback information from the city. Mr. Turner was informed the city did not have the site plans when the information was given.

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Mr. Bradley Greene expressed his concerns of the issues with the ordinances and it was too much for a small area. When Mr. Greene first spoke to Mr. Turner about the project he was not aware of setbacks and requirements of the ordinance.

Ms. Annie Sutton stated her appreciation for the planning and zoning board, the Turners, and the letters of support of the project. Ms. Sutton feels the planning and zoning board did not have and was not aware of the conditions, setbacks, and safety issues when making a recommendation.

On motion by Annie Sutton, seconded by Nan Bowen, in favor – Bradley Greene, and carried, the Mayor and Council voted to deny the zoning request change from Turnco Investment, LLC requesting a change of use from B-II Highway Commercial Business to R-II Multi-Family Residential for approximately .45 acre of property, Tax Map and Parcel C01D-074 (C11-037) located at 29 Dixon Dr. (the corner of Highway 115 East -East Kytile Street and Dixon Drive).

Edward Young raised his hand in opposition to the motion made.

All other variances within the application are invalid due to the denial of the zoning request change.

WAYNE TUCK, WALKER, PIERCE & TUCK – 2015-2016 AUDIT

Mr. Tuck began by stating in the opinion of Walker, Pierce, and Tuck, CPA, the financial statements are presented fairly, in all material respects, funds and governmental activities in accordance with the accounting principles generally accepted in the United States of America. Mr. Tuck stated this is a reflection of the hard work and organization of Beth Rohmeyer, Finance Officer, and Connie Tracas, City Clerk. The work performed by staff allows for the auditors to provide all the evidence needed for financial reporting.

Mr. Tuck discussed the balance sheet for the general funds. The city's total assets are up by \$482,469.. SPLOST is up a little, but the fund is intended to be spent on projects, and the city has projects in the works for spending. The city's liabilities were up, but feels that is a timing of when invoices are due. The general fund is up by approximately \$141,012.

The water and sewer fund is doing well and is shows an increase in assets. The water and sewer revenue is up by \$188,955 and the department is self-supporting without the need of funding from other city funds. Water and sewer liabilities are down and the fund is strong.

Mr. Tuck encouraged the Council to stay on top of utility rates and fees. Mr. Tuck also advised the Council to read the narrative of the audit.

2017 BOARD APPOINTMENTS

The Mayor and Council reviewed the appointments to various boards and staff positions. The list is a continuance of the previous year.

Ms. Annie Sutton requested to remove Ms. Susie Head from the Tree City Board. Ms. Head had an incident in which she represented herself as a council member.

Council Members from Ward 1 and Ward 2 will look for Tree City Board members at the first of the year.

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 submitted list of appointments with the removal of Susie Head from the Tree City Board. List is a made part of these minutes.

CHIEF RICKY PRUITT – FIRE DEPARTMENT

Chief Ricky Pruitt, Fire Department, was not available to issue his report due to a called emergency.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

1. Chief Foster presented the document from Ricky and Kim Barrett for the Pole, Device, and Equipment Easement to install a relay for the security cameras at Woodman park. The pole and relay will be located at Barrett's Funeral Home property. On motion by Bradley Greene, seconded by Nan Bowen, in favor – Annie Sutton and Edward Young, and carried unanimously, the Mayor and Council voted to accept the easement for the Pole, Device, and Equipment Easement from Ricky and Kim Barrett.
2. Chief Foster presented the resource officer agreement between the city and the White County Board of Education. Chief Foster worked with the school system to create an agreement that complied with the new state laws put in place last year. 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 agreement between the City and the White County Board of Education for a school resource officer. Mayor Ash received authorization to sign the agreement.
3. Bradley Greene asked Chief Foster if there were any parade issues. Chief Foster answered the city's part of the event went well. The rented generator lights were a big help with pedestrian traffic and suggested the city continue to use this resource for night events. Chief Foster expressed his appreciation to David Murphy, White County Emergency Management, and the CERT team for placing the barricades around the city for the event and parade. The CERT placed 50 barricades in various areas. The police department set up a pedestrian crosswalk at Deb's Dollar store to Freedom Park. The completion of the bypass will help with traffic for future events. Chief Foster added the city's public works department did an excellent job with setup and take down of the stage and sanitation services. Chief Foster had requested six sheriff's deputies to assist, but received only three. Chief Foster joked he would ask for twelve next years so maybe he will get six.

CHIEF JOHN FOSTER – POLICE DEPARTMENT - continued

Chief Foster suggested the chamber change the date of the parade. The parade is always held on the night of college football playoffs. Chief Foster feels the turnout would be better if the date was changed. The chamber did not provide enough restroom facilities for the crowds.

GRANT KEENE – CITY ATTORNEY

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

NEW BUSINESS

1. On motion by Nan Bowen, seconded by Bradley Greene, in favor – Annie Sutton and Edward Young, and carried unanimously, the Mayor and Council approved the minutes of November 7, November 14, and November 21, 2016.
2. Public comments – Chief Foster informed of the break-in at Fastenal. The department is trying to figure out the company's alarm system. It seems the alarm system called out the officer but the officer found nothing disturbed. Afterwards, it was discovered a hole was cut through the back wall and tools were stolen. Fastenal cannot explain the alarm system. There is a gang from Atlanta hitting gun stores and others. Leaf Grocery and Shell Station was hit. The department is pulling phone records from towers in the area at the time of the Fastenal burglary
3. Nadine Wardenga informed the Mayor and Council the crews working on the water line replacement are phenomenal and very accommodating. When Ms. Wardenga had food deliveries, the crews helped her load to her vehicle due to having to park away from her home.
4. Nan Bowen thanked everyone for their heartfelt prayers and concerns in the passing of her mother, Joyce Mauney. Ms. Wardenga also thanked everyone.

OLD BUSINESS

1. Edward Young stated all his business was old.
2. Annie Sutton informed of her award from the Georgia Mountain Regional Commission for Elected Official of the Year. Everyone expressed their congratulations to Ms. Sutton. Ms. Sutton stated she is proud to represent Cleveland and White County.

EXECUTIVE SESSION

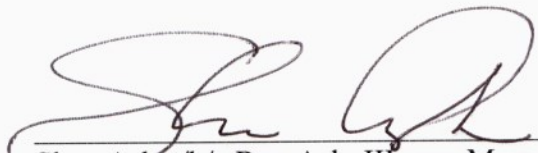
On motion by Annie Sutton, seconded by Bradley Greene, in favor Edward Young and Nan Bowen and carried unanimously, the Mayor and Council voted to enter into an executive session to discuss possible litigation and personnel issues at 8:24 p.m.

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 December 5, 2016 at 8:38 p.m. No further business was discussed.


ADJOURNMENT


On motion by Annie Sutton, seconded by Bradley Greene, in favor – Edward Young and Nan Bowen, and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of December 5, 2016 at 8:39 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

