

**CITY OF CLEVELAND**  
**CITY COUNCIL MEETING**  
**MARCH 8, 2021**  
**MINUTES**

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**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 March 8, 2021 City Council Meeting.

**NADINE WARDENGA – PLANNING AND ZONING - JAMES ALLISON IS REQUESTING A REZONING FROM R-I TO B-II HIGHWAY COMMERCIAL BUSINESS FOR APPROXIMATELY ONE-ACRE; TAX MAP AND PARCEL NUMBER C01D-018 LOCATED AT 538 E KYTLE STREET**

Mayor Turner turned the floor over to Nadine Wardenga, Planning and Zoning Board Chair.

Ms. Wardenga presented the application of Mr. James Allison and read the minutes of the public hearing of the Planning and Zoning Board. The board met February 25, 2021 to discuss the application.

James Allison is requesting a rezoning from R-I – Single-Family Residential to B-II Highway Commercial Business for approximately one-acre, Tax Map and Parcel C01D - 018 located at the 538 E Kytile Street.

The proposed use of this property is for B-II Highway Commercial Business.

Mr. Allison explained his real estate business is currently housed at the Cottage House restaurant and he would like the opportunity to relocate to the property his parents owned. His business employs twelve staff members. Mr. Allison has plans to improve the area with paving for additional parking.

Ms. Wardenga informed Mr. Allison will need to contact Georgia Department of Transportation for a change of use permit for the driveway off East Kytile St. (Hwy 115 East). Mr. Allison replied Mr. Tom O'Bryant, City Administrator, has informed him of the requirement to receive a permit from Georgia Department of Transportation. Mr. O'Bryant explained Mr. Allison would need to submit a proposal to GDOT and follow the guidelines for a change of use from residential to commercial access. The city is obligated to inform GDOT of all changes to the use of properties on state routes. GDOT will decide what type of upgrades to the access is required.

Mr. Rush Mauney, citizen, asked if the worst case scenario would be the requirement of a decel lane.

Mr. O'Bryant answered it would be determined by the type of commercial use, sight-lines, number of employees, etc. GDOT have standards in place to determine what type of upgrades are needed.

Typically for low-impact commercial use, GDOT will require in/out access, in which a vehicle can pull out on the highway while another vehicle is pulling into the business.

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Ms. Sharon Mauney, citizen, asked what is allowed in highway commercial business and was informed most any type of business is allowed as the comprehensive plan guides the location of businesses on state routes instead on city residential streets.

Ms. Mauney asked if Mr. Allison if he had talked to his neighbors about his proposal. Mr. Allison answered he has talked to the neighbors and had a letter from Mr. and Mrs. Broadway, whom reside next door, and had no issues with the proposal.

Ms. Mauney expressed her objection to the zoning change due to the impact of the paving and what it will do to Cox Creek which runs along her property and Mr. Allison's property. Ms. Mauney is frustrated at the loss of trees and damage to the environment as new housing and development comes to the city. Ms. Mauney gave an example of Truett McConnell University is not considerate of the environment by clear cutting the creek bed and removing trees to construct a paved walking path. She has lost eight to ten feet of her property due to erosion of water runoff from the school. Ms. Mauney recommended the board approve soft development to alleviate environmental issues. Ms. Mauney expressed her disapproval of people wanting to destroy the environment for development or even for convenience and noted a county official had all the trees cut at the courthouse because birds were nesting in the trees.

Ms. Mauney also wanted to address lighting issues. In the construction of the walk path from Truett, they installed street lights. The street lights shine into Ms. Mauney's home. This is too bright and is a type of light pollution. The Mauney house is located across the highway on a street over. Ms. Mauney is encouraging the city to adopt a light pollution ordinance. She stated the city is not trying to become like other cities and residents should be able to go outside and see the stars. Residential areas need to be protected. Ms. Mauney sat on numerous committees, throughout the years, in developing the comprehensive plan and she did not agree with the adoption of the final plan. Ms. Mauney reiterated the need to adopt a light pollution ordinance.

Ms. Wardenga informed the city has ordinances in place for setbacks, buffering and landscape requirements. Mr. O'Bryant is sure the setback from Cox Creek is 50-feet. Mr. Allison cannot force water to run in a different direction onto someone's property and will need to have a plan on storm water runoff to show runoff at a predevelopment rate/flow.

Mr. Mauney asked if the zoning went through could Mr. Allison sell the property for any type of business. Ms. Wardenga answered a development that falls within the B-II Highway Commercial Zoning can be allowed but there may be additional requirements from the city and GDOT.

Ms. Mauney is concerned the city is destroying neighborhoods. It was explained to Ms. Mauney the comprehensive plan was developed to allow businesses on state routes instead on encroaching on neighborhoods. Ms. Mauney asked about Bill Thomas' business on Old Clarkesville and was told his zoning of residential did not change, but was only given a variance for a dental lab.



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Ms. Mauney questioned the board and their decisions to rezone to commercial in residential areas and Ms. Wardenga countered with the board's record stands true with trying to keep within the comprehensive plan and referenced the zoning request of the property owner at the corner of Quillian Street and East Underwood.

Ms. Wilma Pittman wanted to clarify that the zoning change would not be considered spot zoning. Mr. O'Bryant answered it would not be spot zoning as the area is meant to be developed as commercial. Ms. Tracas explained spot zoning is more in-line to the two properties on Quillian Street that were rezoned for commercial.

Ms. Henrietta Sutton asked if the GDOT permit should be issued before moving the business to the property. Mr. O'Bryant explained all improvements including bringing the facility up to commercial code and driveway permits will have to be obtained and completed before the owner can occupy.

Ms. Mauney questioned if the existing sewer line can handle a commercial development. Ms. Tracas explained a home typically has a 4-inch sewer line and this type of business would have the same impact. If a higher commercial use located on the property, then there may be a need to upgrade the private sewer line. Ms. Mauney, again, expressed her concern of requiring low lighting for any business in the city.

Ms. Wardenga asked the board members for a motion on the zoning request. On motion by Sam Pelletier, seconded Jeff Groves, in favor –Wilma Pittman, Arthur Palmer, Henrietta Sutton, and Jessica Adams, and carried unanimously, the Planning and Zoning Board approved to recommend the rezoning request of James Allison to rezone from R-I – Single-Family Residential to B-II Highway Commercial Business for approximately one-acre, Tax Map and Parcel C01D - 018 located at the 538 E Kytile Street with the following conditions:

- A Georgia Department of Transportation driveway permit must be obtained in accordance to the impact of use
- Outdoor lighting must be at a minimum and low lighting directional lights
- Storm water runoff plans must be submitted to the city as required by E&S rules.

Mr. Mauney questioned why the tax assessor's office had the property listed as commercial and was informed the assessor admitted to the property being listed in error.

Ms. Wardenga informed Mr. Allison he would need to attend meeting of the City Council, March 8, 2021 for review and final approval.

Mayor Turner asked if anyone had comments to the proposed application for rezoning. Mr. James Allison thanked the Mayor and Council for their consideration. No one present offered comments to the application.

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Mayor Turner asked the Council if they would like to consider a motion based on the recommendation of the Planning and Zoning Board.

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 accept and approve the recommendation of the Planning and Zoning Board the rezoning request of James Allison to rezone from R-I – Single-Family Residential to B-II Highway Commercial Business for approximately one-acre, Tax Map and Parcel C01D - 018 located at the 538 E Kytile Street with the following conditions:

- A Georgia Department of Transportation driveway permit must be obtained in accordance to the impact of use
- Outdoor lighting must be at a minimum and low lighting directional lights
- Storm water runoff plans must be submitted to the city as required by E&S rules.

**RESOLUTION 2021-09 – BUILDING CODE AMENDMENT NATIONAL ELECTRICAL CODE, NFPA 70, 2020 EDITION**

Tom O'Bryant, City Administrator, explained Georgia Department of Community Affairs sends notice of the updated building codes for adoption. Several codes were updated in 2020, but the electrical code was not available to approve until 2021. The new electrical code has been approved by the state with no amendments.

On motion by Bradley Greene, seconded by Rebecca Yardley, in favor – Nan Bowen and Kevin Stanley and carried unanimously, the Mayor and City Council voted to approve Resolution 2021-09 Building Code Amendment National Electrical Code, NFPA 70, 2020 Edition with no amendments.

**CHIEF RICKY PRUITT – FIRE DEPARTMENT**

Chief Ricky Pruitt, Fire Department, presented the department statistics for February 2021. The department responded to 65 calls, with 21 of the calls being within the city and 44 outside of the city limits. The department responded to 9 calls outside of the city's automatic aid area.

Chief Pruitt submitted a class request for Lt. Mark Gunter for gas pipeline incident response. There is no fee for the class and will be held at the county 911 center.

On motion by Rebecca Yardley, seconded by Kevin Stanley, in favor – Nan Bowen and Bradley Greene, and carried unanimously, the Mayor and Council approved the class request for Lt. Mark Gunter for gas pipeline incident response.

**CHIEF JEFFERY SHOEMAKER – POLICE DEPARTMENT**

Chief Jeffery Shoemaker, Police Department, submitted the department statistics for February 2021. The department reported 2302 activities for February which include:

Community Oriented & Proactive:	
Public Assist	863
Premises Check	548
Filed interview	3
Reporting:	
Incident Report	107
Accident Report	9
Investigative/Supplemental	122
Administrative Duties	377
Actions Taken:	
Citation	78
Warnings	156
Warrants	35
Juvenile	4
Total:	2302

Mayor Turner informed Chief Shoemaker of the reporting issue Chief Foster had with the program that calculates activities. Chief Foster had informed the company was working on glitches. The report offers more information of the activities of the police department. Chief Shoemaker assured the Mayor and Council he will follow up on the issues with the program.

**GRANT KEENE – CITY ATTORNEY**

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

**TOM O'BRYANT – CITY ADMINISTRATOR**

Tom O'Bryant, City Administrator, did not have new business to discuss.

**NEW BUSINESS**

- Public comments – Mr. Terry Goodger, White County Commissioner, came before the Mayor and Council and presented the city with a check for \$100,000 to contribute to the cost to upgrade the waterline on Hulsey Road so that NOK can be provided with the water volume and pressure needed to increase manufacturing. Mr. Goodger thanked the Mayor and Council for their decision to improve the line and support one of the largest industries in White County.

Ward Gann is asking to have a meeting with a couple of council members and Tom O'Bryant to discuss changes to the alcohol ordinance.

Mr. Gann also asked the city to clean up city streets. He is constantly cleaning around his building.

Mayor Turner asked Mr. O'Bryant if the city received an update on starting the inmate detail from the Department of Corrections.



**NEW BUSINESS – continued**

Public comments (continued) – Mr. O'Bryant answered DOC is trying to increase the census at the facility and have about 60 inmates. The facility needs to increase by another 60 before releasing inmates. Most of the state is not holding court so fewer are being sentenced. The DOC plans to uphold the contract when inmates are available.

Nadine Wardenga informed she and her husband Tom are doing their part by replanting in the city flower pots on the square. Mr. and Mrs. Wardenga donate the flowers in memory of their son Glenn Wardenga. The 4-H club will assist with planting the flowers. Mayor Turner and a few members of the council would like to participate and asked Ms. Wardenga to give them an update on dates and times.

Dean Dyer agreed with Mr. Gann about trash on the streets. He specifically went on about Town Creek (not in the city) having an abundance amount of trash on the road. Mr. Dyer also complained of trash in front of his radio station on Hood Street and dogs drag trash in his yard.

Bradley Greene added inconsiderate people throw trash out vehicle windows. Annie Sutton informed she and her sisters walk in her community and pick up trash. Ms. Sutton they are doing their part to help and also get good exercise. Nadine Wardenga spoke of Ms. Gail Beckett, resident of Old Clarkesville Rd., walking the road every day to pick up trash.

Mr. O'Bryant reminded the council of the city closing city hall a day in February to clean-up. Everyone is trying to pitch in and help with the situation. Public works is under-staffed and have been very busy, especially trying to complete the duties the inmate detail normally would be doing during the week.

Mayor Turner asked the council if they would entertain a letter to be written to the Department of Corrections requesting the inmate detail program be continued and the importance of the program to the city.

On motion by Rebecca Yardley, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene, and carried unanimously, the Mayor and Council voted to send a letter to the Department of Corrections addressing the situation with the inmate detail. Once drafted, the City Council authorized Mayor Turner to sign the letter.

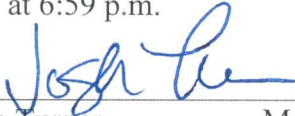
Ward Gann reminded everyone the Farmhouse Coffee shop is open on the square.

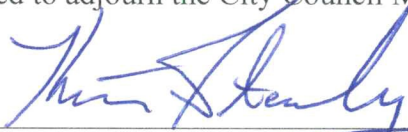
**OLD BUSINESS**


- Minutes of February 2021 were signed


**ADJOURNMENT**

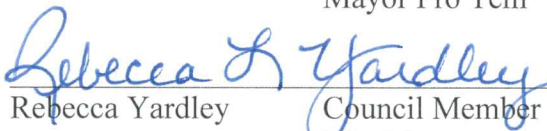
On motion by Rebecca Yardley, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene, and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of March 8, 2021 at 6:59 p.m.

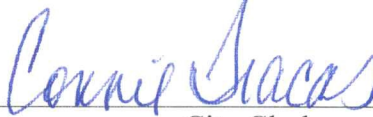
  
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Josh Turner                      Mayor

  
\_\_\_\_\_  
Kevin Stanley                      Council Member  
   Ward 3

  
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Nan Bowen                      Council Member  
   Ward 1  
   Mayor Pro Tem

  
\_\_\_\_\_  
Bradley Greene                      Council Member  
   Ward 4

  
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Rebecca Yardley                      Council Member  
   Ward 2

ATTEST:   
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Connie Tracas                      City Clerk

