

**CITY OF CLEVELAND
CITY COUNCIL MEETING
NOVEMBER 12, 2019
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 6:30 p.m.

COUNCIL MEMBERS PRESENT: Nan Bowen, Annie Sutton, Kevin Stanley, and Bradley Greene.

APPROVAL OF AGENDA

On motion by Annie Sutton, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene, and carried unanimously, the City Council approved the agenda for the November 12, 2019 City Council Meeting.

FARM – CITY WEEK PROCLAMATION

Mayor Ash read a proclamation to recognize the agriculture industry.

Georgia farmers and ranchers play a key role in providing food, clothing, shelter and fuel to our state, nation and the world by producing a bounty of agricultural products. To do this, they rely on essential partnerships with urban and suburban communities to supply, sell and deliver finished products Rural and urban communities working together have made the most of our state's rich agricultural resources as they contribute to the health and wellbeing of our state, our country and to the strength of our economy.

During Farm-City Week in Georgia, we recognize the importance of this cooperative network. Agriculture contributes more than \$73.3 billion annually to Georgia's \$972 billion economic output. The 2016 total Farm Gate Value for the state was more than \$13.75 billion. White County alone has an economic output of \$118 million. One in seven Georgians work in agriculture, forestry or an agriculture-related field.

The agricultural industry provides us with food, clothing and shelter as well as fuel for our energy needs. As we welcome new opportunities for trade, the hard work and successful cooperation between farmers and city workers will continue to play a vital role in our state and nation's future.

Farm-City collaborations help maintain and improve our food and fiber supply and contribute to a better quality of life for our citizens. We commend the many Americans whose hard work and ingenuity reflect the true spirit of America and help to ensure a prosperous future for all.

As we gather with family and friends around the Thanksgiving table, it is fitting that we count among our blessings the vital farm-city partnerships that have done so much to improve the quality of our lives.

Therefore, we do here proclaim November 22-28, 2019 as Farm-City Week in Cleveland, GA. We call upon citizens in rural and urban areas to acknowledge and celebrate the achievements of all those who, working together, produce and supply our community and nation with an abundance of agricultural products.

Given under hand and seal, by proclamation of the City Council of the City of Cleveland, Georgia, this the 12th day of November 2019.

NADINE WARDENGA – PLANNING AND ZONING

Ms. Nadine Wardenga, Chair of the Cleveland Planning and Zoning Board presented the annexation and zoning application of Mr. Ronald Conner requesting an annexation and zoning of approximately 0.56 acres of property, located at 1847 Highway 129 South, tax Map and Parcel 048C-158, 159, and 160.

Ms. Wardenga gave a summary of the Planning and Zoning Board Minutes presented below:

Ronald D Conner, requesting an annexation and zoning for approximately .56 acres of property, at 1847 Highway 129 South, Tax Map and Parcel 048c-158, 159,160. The proposed use of this property is for B-II Highway Commercial Business

Ms. Wardenga explained that they would review the annexation first. Ms. Wardenga ask Mr. Conner if he had any comments in regards to the annexation application. Mr. Conner stated that the septic system is failing and it was costing him \$600.00 every other month to have it pumped. There is a need to tie on to the city's sewer system due to the failing septic system.

Ms. Sutton asked Mr. Conner what happened to the septic system. He stated that it had been paved over a long time ago, and that his tenants had the area repaved.

Ms. Pittman questioned Mr. Conner, if the tenants could be held responsible. Mr. Conner answered they have been great tenants for 17 years.

Ms. Wardenga asked the board members for a motion to recommend accepting the annexation .56 acres of property, at 1847 Highway 129 South, Tax Map and Parcel 048c-158, 159,160.. On motion by Wilma Pittman and Sam Pelletier, second by Jeff Groves, in favor – Henrietta Sutton, Jessica Adams, Linda Hobbs, and Arthur Palmer and carried unanimously, the Planning and Zoning Board approved to recommend the annexation of .56 acres of property, at 1847 Highway 129 South, Tax Map and Parcel 048c-158, 159,160..

Ms. Wardenga presented the zoning request at 1847 Highway 129 South, Tax Map and Parcel 048c-158, 159,160. The proposed use of this property is for B-II Highway Commercial Business

Ms. Wardenga asked Mr. Conner if he has plans to change the existing sign to meet the city's sign ordinance. Mr. Conner stated not at this time. Ms. Wardenga informed Mr. Conner they would accept it but that it would be a non-conforming sign and is not in compliance with the sign ordinance.

Ms. Wardenga asked the board members for a motion to accept the zoning request .56 acres of property, at 1847 Highway 129 South, Tax Map and Parcel 048c-158, 159,160. To B-II Highway Commercial Business. On motion by Henrietta Sutton, seconded by Wilma Pittman, in favor – Jessica Adams, Linda Hobbs, Jeff Groves, Arthur Palmer, and Sam Pelletier, and carried unanimously, the Planning and Zoning Board approved to recommend the zoning of .56 acres of property, at 1847 Highway 129 South, Tax Map and Parcel 048c-158, 159,160 to B-II Highway Commercial Business.

Tom O'Bryant, City Administrator, informed Mr. and Mrs. Conner the water rates will be lower, but sewer charges would be added.

Mr. and Mrs. Conner thanked the committee.

Ms. Wardenga informed Mr. Conner he will need to attend the City Council Meeting of November 12th, 2019 before the Mayor and Council for final approval.

Mr. Conner was not present and did not send representation at the City Council Meeting as required by the policies and procedures established by the Planning and Zoning Board. Due to his absence, Bradley Greene made a motion to postpone the decision and to inform Mr. Conner to attend the December 2, 2109 City Council Meeting, Kevin Stanley seconded the motion, in favor – Nan Bowen and Annie Sutton and carried unanimously.

NADINE WARDENGA – PLANNING AND ZONING – continued

On motion by Bradley Greene, seconded by Annie Sutton, in favor – Nan Bowen and Kevin Stanley and carried unanimously, the City Council voted to amend the motion to include to postpone the decision of the zoning classification along with the annexation request.

Ms. Wardenga presented the application of Be Squared, LLC requesting a change of use from R-II Mobile Home Use to PUD Planned Unit Development Fee Simple Townhomes for approximately 1.7 acres of property, Tax Map and Parcel 033 B 091 and 102 located at 189 Jackson Heights.

Ms. Wardenga gave a summary of the Planning and Zoning Board Minutes as presented below:

Be Squared, LLC requesting a change of use from R-II – Mobile Home use to PUD – Planned Unit Development Fee Simple Townhomes for approximately 1.7 acres of property, Tax Map and Parcels 033B 091 and 102 located at the 189 Jackson Heights.

Ed Meyers, Arch. and Tim Wilbanks, a partner was present on behalf of Be Squared, LLC.

Ed Meyers stated the company plans to develop 17 townhomes. Mr. Myers submitted pictures of the proposed development to the board. The plan includes a picnic area with a grill. The value will be \$150,000 to \$200,000.

Ms. Wardenga asked if anyone was present to support or oppose the request.

James Neary questioned how would the sewer lines would run to connect to the homes? Mr. Neary had concerns the sewer may need to run through his property for access.

Tim Wilbanks asked, where Mr. Neary lived. James Neary answered at 140 Jackson Circles, which adjoins the backside of his property.

Tom O'Bryant informed the sewer line would access the manhole at Jackson Heights and Sherrell Dr. Mr. O'Bryant assured Mr. Neary the sewer line would not come through his property, and it would not affect him.

Ms. Wardenga added city administration will stay on top of this project in making sure that it meets requirements.

Mr. O'Bryant asked about the height of the homes. Mr. Wilbanks stated not over 30 feet. Ms. Wardenga questioned if a firetruck would have any issues with access. Mr. Wilbank stated there will be plenty of access. The setbacks are 30 feet in front, 25 feet back and 35 feet side setbacks.

Ms. Wardenga informed the group of the need of landscape buffers required for the house on the right. Mr. Wilbanks and Mr. Meyers agreed. Ms. Pittman stated that she thought this would be an asset to the area. Mr. Groves and Ms. Wardenga agreed.

Ms. Wardenga asked the board members for a motion to accept the zoning request. On motion by Sam Pelletier, seconded by Jeff Groves, in favor – Jessica Adams, Linda Hobbs, Wilma Pittman, Arthur Palmer, Henrietta Sutton and, and carried unanimously, the Planning and Zoning Board approved to recommend the request for a change of use from R-II – Mobile Home use to PUD – Planned Unit Development Fee Simple Townhomes for approximately 1.7 acres of property, Tax Map and Parcels 033B 091 and 102 located at the 189 Jackson Heights.

Mr. Meyers and Mr. Wilbanks thanked the board members.

Ms. Wardenga informed the representatives of Be Squared, LLC they would need to attend meeting of November 12th, 2019 before the Mayor and Council for final approval.

Ms. Wardenga added, outside of the stated minutes, the area has appropriate access for fire trucks and equipment and that Mr. Myers would address the issue with the route of the sewer line with Mr. Neary.

Mayor Ash asked if anyone present, for or opposed to the rezoning application, had contributed to the campaigns of the Mayor and Council. No one present had contributed to the campaigns of the Mayor and Council.

NADINE WARDENGA – PLANNING AND ZONING – continued

Mayor Ash opened the floor for comment from the applicant Mr. Ed Myers.

Mr. Myers is the contractor and engineer for the project. The development will include three buildings with a total of seventeen owner occupied units. Mr. Myers feels it will enhance the area.

Mr. James Neary, resident at 140 Jackson Circle, brought up his concerns of the route of the sewer line. At the Planning and Zoning Board Meeting, he and the board were assured the sewer would not affect his property, but the surveyors were on his property specifically surveying for sewer. Mr. Neary had given the previous owner, Joe Campbell, verbal approval for two homes to connect to the line and now there will be six homes connected to the line. Mr. Neary was concerned he and the board were given incorrect information.

Mr. Myers responded by admitting they had made a mistake in the route of the sewer line and the developer will need to get an easement from Mr. Neary. Mr. Myers added he has easement paperwork to discuss with Mr. Neary and Mr. Neary should have no concerns. Mr. Myers stated the development will include a vegetative buffer between the units and Mr. Neary.

Kevin Stanley asked the price of the units. Mr. Myers responded the units would value at \$150,000 to \$200,000.

Mr. Stanley inquired of the condition of the streets in the area. Tom O'Bryant, City Administrator, informed the seventeen units will add an average of fifty-three trips per day. Mr. Stanley expressed his concern over storm water drainage, culverts, and proper driveways. Bradley Greene asked the width of the street. Mr. Myers stated eighteen-feet. Grant Keene, City Attorney, stated the right-of-way for Jackson Heights was forty-five feet. Former Council Member John Palmour had deeded an additional five feet for Jackson Heights through a supplemental deed.

Mr. Keene informed the Council they could consider conditions to the development.

Chief Foster asked if there would be a dumpster pad for the development. Mr. O'Bryant answered each unit would probably have an individual can.

Annie Sutton asked the developer about lighting. Ms. Sutton does not want an increase in heavy lighting in the area. Mr. Myers replied the lighting would be limited to front and back porch lights. Mr. O'Bryant informed he will work with Mr. Neary and address all concerns to make sure there is little impact.

On motion by Nan Bowen, seconded by Bradley Greene, in favor – Annie Sutton and Kevin Stanley, and carried unanimously, the City Council voted to approve the recommendation of the Planning and Zoning Board and rezone Tax Map and Parcel 033 B 091 and 102 located at 189 Jackson Heights from R-II Mobile Home Use to PUD Planned Unit Development Fee Simple Townhomes for approximately 1.7 acres of property with the condition of storm water being addressed and Mr. Neary satisfied with the agreement for sewer access.

2019-11 ETHICS ORDINANCE WITH AMENDMENT – 2ND CONSIDERATION AND POSSIBLE ADOPTION

The Mayor and City Council held the first consideration to reinstate and amend the Ethics Ordinance at the November 4, 2019 City Council Meeting

Mr. O'Bryant provided the following in memo form to the City Council.

- a. In 2007 city officials desired to become a Certified City of Ethics under the GMA City of Ethics program
- b. City officials adopted an ethics ordinance and signed on to subscribe to the ethics principles approved by the GMA Board of Directors. City officials, by resolution, pledged to follow and conduct themselves as a group and as individuals to:
 - **Serve Others, Not Ourselves**
 - **Use Resources with Efficiency and Economy**
 - **Treat All People Fairly**
 - **Use the Power of Our Position for the Well Being of All Our Constituents**
 - **Create An Environment of Honesty, Openness and Integrity**
- c. The program requires re-certification every five years. The City of Cleveland's re-certification is due November 30, 2019.
- d. To remain certified the city must submit to GMA for review and approval;
 - **A letter of request from city officials for approval to re-certify and identifying all revisions to the city's Ethics Ordinance.**
 - **A new resolution re-adopting the five ethics principles.**
- e. Proposed amendment to the ordinance includes adding to Section 2-585:
 - **(1) Written notification and warning by the city council; or**
 - **(2) The requirement to attend ethics training and classes; or**
- f. City Council will need to vote to re-adopt the resolution of the five ethics principles and the city's ethics ordinance with proposed amendments in Section 2-585 – City Code; Chapter 2, Article VIII and submit the ordinance and resolution to GMA for re-certification as a Certified City of Ethics.

On motion by Annie Sutton, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene, and carried unanimously, the City Council approved 2019-11 Ethics Ordinance with amendment.

BRIAN RINDT – CITY ENGINEER

Mr. Rindt informed The Mayor and Council of three projects in progress.

1. The utility move for phase three of the bypass should begin soon. Mr. Rindt's firm is reviewing and approving submittals.
2. Mr. Rindt is working with Ricky Hunt and Lee Wilson, Public Works, on the details of the twelve-inch water line upgrade on Hulsey Road. The city's contractor will work in conjunction with the DOT contractor for the bypass.
3. The survey is complete for the wastewater treatment facility. The bores have been completed and analyzed. As expected, the area has a lot of rock. Mr. Rindt is still waiting on the waste load allocation, but believes he can still meet the deadlines.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

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

GRANT KEENE – CITY ATTORNEY

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

TOM O'BRYANT – CITY ADMINISTRATOR

1. Turner Creek Water Treatment Plant Audit

- a. The White County Water Authority has sent the FY2019 audit findings for the Turner Creek Water Treatment Plant.
- b. According to the existing Agreements in place, at the beginning of each fiscal year the water treatment plant adopts a projected wholesale price of water for the sale of water to the City of Cleveland and the White County Water Authority. At the end of each fiscal year an annual audit finding is established and determines any adjustments for the operational costs of production from the wholesale price of water.
- c. The Agreement from 2003 states "At the end of Each year, the auditor will determine any amounts owed by the City of Cleveland and/or the WCWA to the Water Treatment Plant. Any such amounts owed by the City of Cleveland and/or the WCWA to the Water Treatment Plant shall be paid within sixty days after the completion of the annual audit of the Water Plant operations."
- d. According to the City Finance Office, after the Agreement was put into place the city has historically made an adjusted payment after the audit finding.
- e. For FY19 the Turner Creek Water Treatment plant is due an additional \$8,291 from the City of Cleveland for the wholesale costs of water. (The WCWA is owes \$22,918 to TCWTP.)
- f. City water funds were deposited into the Tuner Creek general operating account. The Turner Creek plant has requested the City Council to vote to move the funds from operations to their capital projects account.
- g. Staff contacted the WCWA regarding the City Council's question if the plant had an actual shortfall in their operations this fiscal year. The response provided by the WCWA is that the wholesale rate for water was set at the beginning of the fiscal year. At mid-year it was observed that the rate was possibly too high and the WTP was charging too much for water and at the end of the fiscal year would owe funds back to the City and WCWA. They preferred to not allow the WTP to have an excessive amount of revenue in their operations, so they adjust the rate down and bill the City and WCWA after the audit findings. Staff discussed the question with the auditor and he stated that the rate either should not have been adjusted down at mid-year or adjusted down by a smaller amount. He also stated that the amount owed by the City and WCWA balances out the "operational" costs for the year.
- h. Currently the WTP has over \$605,000 in its capital reserve account and is asking council to approve moving the \$8,291 from operations into the capital reserve account.
- i. The WCWA has reported that the WTP plans to spend approximately \$354,000 on capital improvements over the next 18-24 months. The reason for the request is to keep

TOM O'BRYANT – CITY ADMINISTRATOR - continued

1. Turner Creek Water Treatment Plant Audit - continued

the capital reserve account fund at a higher level due to any other expenses, planned or unplanned, that may need to be addressed.

- j. The city also voluntarily pays a twenty percent charge on top of the cost of water that automatically goes into the WTP capital reserve fund. The city voted to pay the 20% rate in early 2018 to help build the account through December 31, 2019. The standard rate, according to the agreement, is ten percent. That standard rate will return in January 2020 unless city council votes to extend the higher contribution to the capital reserve fund for another period of time.
- k. City Council needs to vote to either approve the request of the Turner Creek WTP (to move the funds from operations to capital reserve) or vote for the funds to remain in operations.

Kevin Stanley questioned voluntarily paying the 20% above costs and the sums being reduced once the reserve meets a certain threshold. Mr. Stanley expressed his concern from taking from the operational expenses to transfer to the capital reserve fund. Mayor Ash informed the contribution is based on a tier schedule of what percent the city contributes to the capital reserve fund.

Nan Bowen asked if the city agreed to transfer the funds to capital reserve, will it reduce the city's cost of water. The answer is no based on the requirements of the agreement.

Mr. O'Bryant informed of the city's own capital improvement projects and will have to decide how to pay for the projects.

Mayor Ash asked the Council to decide to keep the money in operations or allow the Turner Creek Treatment Plant to move to the capital reserve fund.

On motion by Bradley Greene, seconded by Nan Bowen, in favor – Annie Sutton and Kevin Stanley, and carried unanimously, the City Council voted to allow the \$8,291.00 owed to the Turner Creek Treatment Plant for the plant's operational budget shortfall to the Turner Creek Treatment Plant capital reserve fund.

2. Oak Springs Nature Trail (RTP Grant Application)

- a. Last August City Council voted to pursue a Department of Natural Resources Grant under the Recreation Trails Program. Council adopted a resolution coming to the project and applying for funding.
- b. The grant program provides up to 80% of funds up to \$200,000.
- c. The City has contracted with Hayes James and Associates to assist with the project design, application and implementation of the project.
- d. The plan design (attached) shows 3,800 feet of natural walking trail, 1,200 feet of a paved ADA accessible trail, trail signage, educational signage, bathrooms, benches, bike racks, dog waste stations and connectivity to the city municipal complex

TOM O'BRYANT – CITY ADMINISTRATOR - continued
Oak Springs Nature Trail (RTP Grant Application) - continued

- e. The cost of the project is estimates at \$218,009. The grant request will be for 80% of the project at \$174,407 and the city's local match will be \$43,602.
- f. The city funding for this project will be through the SPLOST funds for cultural facilities.
- g. City Council needs to approve the application for the Oak Springs Nature Trail to the DNR Recreation Trails Program.

On motion by Bradley Greene, seconded by Annie Sutton, in favor – Nan Bowen and Kevin Stanley, and carried unanimously, the City Council approved the submittal of the pre-application to the Georgia Department of Natural Resources for the Recreational Trails Grant, the commitment to provide funds for the project, and the trail maintenance plan.

NEW BUSINESS

- 1. Public Comments – Chief John Foster wanted to respond to a derogatory comment made by a property owner whose business was involved in a fire on Sunday. The owner made claims the city used an excessive amount of time issuing his alcohol license. Chief Foster informed if an application is completed and in order the process is expedited. The city has not held up any business with a completed application.

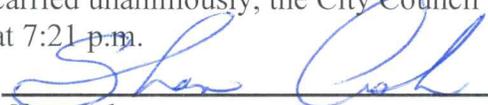
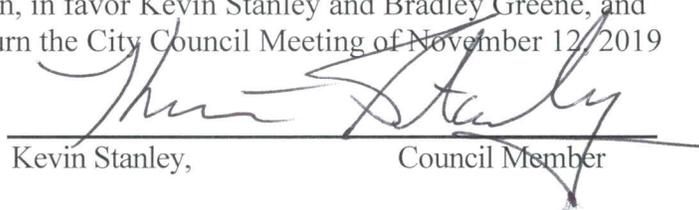
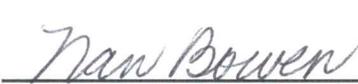
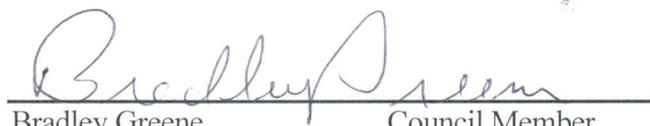
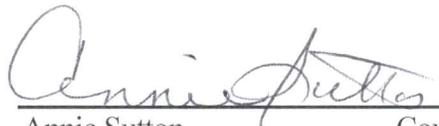
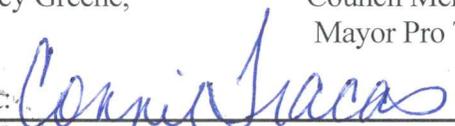
Nadine Wardenga is gathering shrubbery, pine, and magnolia leaves to decorate the square for Christmas.

OLD BUSINESS

- 1. The minutes of October 2019 were signed.

ADJOURNMENT

On motion by Annie Sutton, seconded by Nan Bowen, in favor Kevin Stanley and Bradley Greene, and carried unanimously, the City Council voted to adjourn the City Council Meeting of November 12, 2019 at 7:21 p.m.

 _____ Shan Ash, Mayor	 _____ Kevin Stanley, Council Member
 _____ Nan Bowen, Council Member	 _____ Bradley Greene, Council Member Mayor Pro Tem
 _____ Annie Sutton, Council Member	Attest:  _____ Connie Tracas, City Clerk

