

**CITY OF CLEVELAND  
CITY COUNCIL MEETING  
FEBRUARY 6, 2017  
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 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 Annie Sutton, in favor – Edward Young and Nan Bowen, and carried unanimously, the Mayor and Council approved the agenda for the February 6, 2016

**NICOLE LIMBAUGH – STUDIO 129 – SIGN ORDINANCE COMPLAINT**

Sheila Turner, co-owner Studio 129, spoke on behalf of the business and the issue of the sign ordinance.

The owners of Studio 129 have been in the process of obtaining a sign permit with the city. The owners have moved to a location where there is infrastructure and bypass construction and feel it is a distraction from their business. The group would like to have a sign larger than allowed on the freestanding structure at the roadside. They have not been able to receive the sign permit due to not complying with the sign ordinance.

Ms. Turner explained the sign that is being proposed is temporary and would like to have a size equal to the Lynn Banks Tax Service and Mini Storage. Annie Sutton stated the sign needs to fit in the Northside Styles slot on the structure. Ms. Turner explained the smaller Northside sign was not uniformed to the other signs on the structure. Nicole Limbaugh informed there will be no additional structures added to accommodate the larger sign. Bradley Greene asked if the sign was one-sided. Ms. Limbaugh answered no, it would be a two-sided sign. Mr. Greene stated there was a lack of communication between the landlord and the tenants. The landlord, per the ordinance, should have informed the tenants of the requirements of the sign ordinance and the submitted master plan. Mr. Greene explained the city is trying to avoid sign clutter.

Eddie McIntyre stated he understands the city's need for a sign ordinance, but feels businesses are being constrained. Connie Tracas explained the previous ordinance only allowed 50 square feet all signs combined; the new ordinance does not constrain businesses as they are allowed to have more signs than in the past. City staff follows the ordinance and does not have the authority to alter the ordinance adopted and enacted by the city council.

Ms. Lawson submitted a one-line letter stating the sign will be completed within one year of this date. This is a self-imposed deadline and has not been approved by the city. Ms. Lawson submitted her master sign plan in 2015.

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 approve a six-month temporary 4' x 8' sign for Studio 129 at 924 North Main Street. The motion included the city clerk to inform the owner, in writing, to have the sign, presented on the master sign plan, completed within 6-months. The owners of Studio 129 asked to be copied on the letter. The owners of Studio 129 did not care for the design of the new monument sign. It was explained an owner can amend a master sign plan.

**CHIEF RICKY PRUITT – FIRE DEPARTMENT**

Chief Ricky Pruitt, Fire Department submitted the statistics for January 2017. The department responded to 80 calls, 33 within the city and 47 calls in the automatic aid area in the county.

The department resubmitted a request for grant funding with Firehouse Subs, but did not receive. The department will continue to apply for the funding. The department received \$2500.00 from HEMC Operation Round Up. The funds will be used to purchase two sets of turn out gear.

Chief Pruitt submitted class requests for himself and Lt. Mark Gunter. The class is for hazard training and there is no fee for the training.

**CHIEF JOHN FOSTER – POLICE DEPARTMENT**

Chief John Foster, Police Department, informed the Mayor and Council of the opportunity for the city to participate in Project Dan.

Project DAN (Deaths Avoided by Naloxone) is a program designed to help prevent deaths due to opioid and prescription drug overdoses. Physicians in Georgia can prescribe Naloxone/Narcan in accordance with a physician specified protocol to:

A person at risk of experiencing an opioid related overdose,  
Pain management clinics,  
First responders,  
Harm Reduction Organization,  
Family member, friend, or other person in a position to assist in an opioid related overdose.

Law enforcement participants include Banks, Barrow, Dawson, Forsyth, Habersham, Hall, Jackson, Lumpkin, Rabun, Stephens, Towns, Union, and White County.

The costs of the Narcan is \$650 for approximately 30 doses. Chief Foster would like to include the fire department in the training for Project Dan. The dose is a nasal spray that could possibly save the life of someone that has overdosed on certain drugs.

Bradley Greene stated if it can save a life to give someone a second chance, he is all for it. Chief Foster explained the program has been successful in numerous law agencies. Chief Foster informed most EMS staff will not enter the premises until an officer arrives. Most of the time, an officer is the first on scene and can administer the nasal spray.

The city would have to purchase the doses and would be reimbursed through the Project Dan program. The Mayor and Council agreed to move forward with the program.

**GRANT KEENE – CITY ATTORNEY**

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

## **NEW BUSINESS**

1. The Mayor and Council reviewed proposed amendments to the Alcohol Ordinance concerning the definition of Restaurant and Section 4-61 License permitting the sale of alcoholic beverages.

Currently the ordinance provides for the sale by the drink with a meal. The amendment would allow the sales of drinks as long as the kitchen is open during the operating hours of the establishment. Mayor Ash explained the city will need to look at distances between establishments, creating a historic overlay district on the square, how zoning classifications are affected by a change in the ordinance, etc.

Mayor Ash read the different versions of ordinances from White County, Lumpkin County, Habersham County, and the City of Cornelia as a few examples.

- White County – The gross income from the sale of malt beverages and wine shall not exceed 40 percent of the gross income from total sales.
- Lumpkin County – Such eating establishments will regularly serve food every hour they are open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.
- Habersham County – Outlets shall derive a minimum of 40 percent of their total annual gross food and beverage sales from the sale of prepared meals or food. An audit may be required at any time to insure compliance with these provisions. If such outlet provides a bar or counter service for the sale of alcoholic beverages for on premise consumption, the seating for such a bar shall not exceed ten percent of the total seating capacity of the outlet.
- City of Cornelia – Eating establishments regularly serving prepared food with a full service kitchen. A full service kitchen will consist of a three compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments. Such an eating establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of sales from food.

Bradley Greene questioned what would be gained by making the change to the ordinance. Mayor Ash answered there is a sentiment the city would get chain restaurants, but he would like to see more evidence of this claim.

Annie Sutton asked who is working to get the chain restaurants to Cleveland. Ms. Sutton stated she did not feel the White County Chamber of Commerce is working for the city.

Edward Young stated there is not enough traffic to support a large chain restaurant and added there are some restaurants in Helen that will close for two or three months because of the down time between seasons. Mr. Greene agreed as his wife's family has been marketing a piece of property as commercial and have heard there is not enough traffic.

Nan Bowen asked if people were complaining about the existing ordinance. Mayor Ash and Edward Young stated yes. Connie Tracas, City Clerk, informed no one other than Ed Ward has been at City Hall to complain about the ordinance.

**NEW BUSINESS – continued**

Ms. Sutton asked if the three licensed restaurants were turning in the required reports and excise taxes. Ms. Tracas informed two of the three are always on time with reporting.

Chief Foster warned if someone wanted to be sneaky about the sale of food and alcohol, they could easily ring up the sale as food to show a higher percent of food sales. The establishments should be able to provide daily purchase and sales receipts.

Mayor Ash stated he is not convinced what the city has in place is not working and added for the record, he has not been approached by Ed Ward to change the ordinance. If someone wanted to invest three million or more in a piece of property, then maybe the city could look at the ordinance again. Mayor Ash added if people are stating the city's ordinance is a hindrance to new businesses, he would like to know the facts and be informed with proof of such statements.

2. The Mayor and Council discussed creating a committee to organize an event to celebrate the city's 150<sup>th</sup>. Bradley Greene stated the council can appoint a steering committee and that committee can create sub-committees as needed. The council will have a list of members by the next city council meeting.
3. On motion by Bradley Greene, seconded by Edward Young, in favor Annie Sutton and Nan Bowen and carried unanimously, the Mayor and Council approved the minutes of January 9, 19, 23, and 26, 2017.
4. Public comments – Bradley Greene gave an update on extending the 129 North sewer line under the highway. The cost is \$800 a foot due to amount of rock in the area. The city will not extend the line. If there is a need for the line for a future development, the developer can have the line extended.

Debbie Gilbert thanked the mayor and council for having the parking area striped on the square.

**OLD BUSINESS**

Mayor Ash asked if there was any old business, other than Edward Young's. Mayor Ash commented on the statement being added to the minutes and expressed the comment was meant to be humorous. (note: the clerk noted there was a lack of sincerity in the mayor's statement).

**EXECUTIVE SESSION**

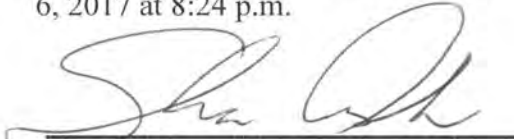
On motion by Edward Young, seconded by Annie Sutton, in favor –Bradley Greene and Nan Bowen, and carried unanimously, the Mayor and Council voted to enter into an executive session to discuss real estate at 7:45 p.m.

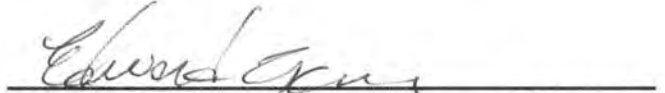
**RETURN TO COUNCIL MEETING**

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 council meeting at 8:23 p.m. No further business was discussed.

**ADJOURNMENT**

On motion by Nan Bowen, seconded by Edward Young, in favor – Annie Sutton and Bradley Greene, and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of February 6, 2017 at 8:24 p.m.

  
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Shan Ash, Mayor

  
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Edward Young, Council Member

  
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Annie Sutton, Council Member

  
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Nan Bowen, Council Member

  
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Bradley Greene, Council Member

ATTEST:   
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Connie Tracas, City Clerk

