

CITY OF CLEVELAND
CITY COUNCIL MEETING
FEBRUARY 1, 2021
MINUTES

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 Bradley Greene, seconded by Nan Bowen, in favor – Rebecca Yardley and Kevin Stanley, and carried unanimously, the Mayor and City Council approved the agenda for the February 1, 2021 City Council Meeting.

2021-03 – TREE CITY USA PROCLAMATION

The City of Cleveland has been designated a Tree City USA city for the past seventeen years. One of the membership requirements is to adopt a proclamation of the city's dedication to preserve trees and to educate the public.

On motion by Rebecca Yardley, seconded by Bradley Greene, in favor Nan Bowen and Kevin Stanley, and carried unanimously, the Mayor and City Council voted to approve Proclamation 2021-03 proclaming Cleveland a Tree City USA city. Mayor Turner was given authorization to sign the Tree City USA application.

2021-04 – RESOLUTION WC JAIL AGREEMENT

The Mayor and City Council reviewed the agreement, submitted by the White County Sheriff's office, for services and to set policies for the use of the jail.

Although, Cleveland residents pay taxes to fund the operations of the jail, the city is required to pay board fees for those that are arrested within the city limits. The agreement addresses policies and procedures as well.

Rebecca Yardley asked if Interim Chief Weiland reviewed the agreement. Tom O'Bryant answered the agreement is the same as have been approved in the past and approved by former Chief Foster. The only change is the name of the new Sheriff, Rick Kelly. This is an annual agreement.

On motion by Nan Bowen, seconded by Kevin Stanley, in favor – Rebecca Yardley and Bradley Greene, and carried unanimously, the Mayor and City Council voted to approve Resolution 2021-04 White County Jail Agreement for 2021.

2021-05 – RESOLUTION TO AMEND APPOINTMENT RESOLUTION 2021-01

The purpose of Resolution 2021-05 is to amend Exhibit "A" to approve the appointment of Jeffery Shoemaker as Cleveland Police Chief.

2021-05 – RESOLUTION TO AMEND APPOINTMENT RESOLUTION 2021-01 - continued

On motion by Bradley Greene, seconded by Kevin Stanley, in favor – Nan Bowen and Rebecca Yardley, and carried unanimously, the Mayor and City Council voted to approve Resolution 2021-05 to amend Appointment Resolution 2021-01 to appoint Jeffery Shoemaker as Cleveland Police Chief.

2021-06 – RESOLUTION ALCOHOL ORDINANCE AMENDMENT - DISCUSSION AND FIRST CONSIDERATION

The Mayor and City Council reviewed the resolution to amend the alcohol ordinance. Mayor Turner opened the floor for discussion on the proposed amendments.

Ward Gann, owner Clyde's Tavern, has read the amendments and understands the changes, but had a few concerns and questions.

Mr. Gann expressed his concern of the reporting requirements in Section 4-8. Mr. Gann feels his sales should be private and not open to public view. Mr. Gann stated his business is consistent in keeping within the 60% food sales to 40% alcohol sales. Mr. Gann informed it would be difficult to falsify the reporting system most restaurants have in place.

Mr. Gann also has concerns with the definition of Restaurant in Section 4-4. The definition requires a restaurant to provide at least one meal for at least six-days during the week. Mr. Gann realizes this is not a change to the ordinance and that it has been in place since the ordinance was adopted. Mr. Gann feels, with the change in the economy, the amount of days open should be reduced to account for those restaurants that may need to close two or three days. He is considering a four to five day week to open his business on the square.

Mr. Gann feels the language of the requirement of a meal with drinks sold is a deterrent to his cliental. His customers question why they have to order food with a drink. Mr. Gann questioned the section of "unprepared food" and asked if it meant food like sushi. It was explained it meant food that was not prepared at the facility, but prepared elsewhere and brought in to be sold. Mr. Gann suggested the council discuss the requirements with those in the industry. Mr. Gann would like input on the form that will be required to report sales.

Mayor Turner informed all reporting forms are subject to open records.

Rebecca Yardley questioned if there was a state law that dictates how many days a restaurant must be opened to serve alcohol. City staff are not aware of a required number of days opened. Grant Keene, City Attorney, explained the ordinance was created by former Police Chief Foster and he has not formally examined. Ms. Yardley asked Mr. Keene to review.

2021-06 – RESOLUTION ALCOHOL ORDINANCE AMENDMENT - DISCUSSION AND FIRST CONSIDERATION

Mayor Turner suggested the city gauge support of the community allowing open alcohol containers/drinks for people to purchase and walk around the square and include Freedom Park. Mr. Gann and Ms. Truelove agreed and informed the cities of Cornelia and Clarkesville allow the practice of drinking while walking around the square, “Sip & Stroll” events. Ms. Truelove feels it would be a big benefit to the square. Mr. Gann stated the Cleveland Police and White County Sheriff’s department can work the events.

Nan Bowen, works for a retail store in Clarkesville, and stated the sip & stroll event was good for the business.

On motion by Bradley Greene, seconded by Nan Bowen, in favor – Rebecca Yardley and Kevin Stanley, and carried unanimously, the Mayor and Council voted to approve the first consideration with the proposed change to the definition of Restaurant to reduce the amount of days open to four-days minimum if allowed by state law.

INTERIM POLICE CHIEF AARON WEILAND

Interim Police Chief Aaron Weiland presented class requests for several officers and a class for the department.

1. Stop the Bleed is a class to address traumatic injuries such as gunshot wounds or stabbing. The class will teach officers how to care for wounds on victims or themselves while waiting for medic services to arrive. Major Weiland is coordinating with Bill Scandrett Director of White County Medical Services. The class will be given at the Cleveland Police Department. There is no fee but the officers will be paid time for attending the class.
2. First Responder class for Officer Thomas Robertson. The course provides training in the skills needed to provide the first patient contact in an emergency. There is no fee for the class. The class is held at the training center in Forsyth.
3. Evidence and Property Management – Lt. Donna Sims. The class is to inform best practices for logging and storing evidence and property. There is no fee for the class. The class is held at the training center in Forsyth.
4. State Certification Management Training – Major Aaron Weiland and Officer Wesley Addis. The class is required in the continuing education program provided by the Chief’s Association. There is a \$75 fee for each officer.

On motion by Bradley Greene, seconded by Kevin Stanley, in favor – Nan Bowen and Rebecca Yardley, and carried unanimously, the Mayor and City Council approved all class requests listed above for the Cleveland Police Department.

TOM O’BRYANT – CITY ADMINISTRATOR

Tom O’Bryant, City Administrator, did not have new business to discuss, but will have Fire Department grant applications at the next city council meeting.

NEW BUSINESS

1. On motion by Nan Bowen, seconded by Bradley Greene, in favor – Rebecca Yardley and Kevin Stanley, and carried unanimously, the Mayor and City Council voted to approve the draft minutes of January 4, 11, and 25, 2021 as presented.
2. Public comments: Mayor Turner opened the floor for public comments.
Resident and business owner Greg Pettit came before the council to discuss an incident that occurred in January 2021. Mayor Turner informed, in full disclosure, the he is related to Mr. Pettit. Mayor Turner cautioned Mr. Pettit not to discuss an open case in public meeting as everyone present may be subpoenaed. Mr. Pettit did not heed to the advice of Mayor Turner and proceeded to discuss the incident which is an open case with the Cleveland Police Department.

Mr. Pettit stated he assumes the Mayor and Council take the pledge of allegiance seriously and the Georgia Constitution which provides for the protection to person and property.

Mr. Pettit went into detail of the events of January 6, 2021 when a male drove into his place of business. Mr. Pettit attempted to assist the male in the vehicle and asked his wife to call 911. When an officer arrived he asked the male what happened. The male answered he was at Ingle's and the next thing he knew he was in the building. The male stated sparks started flying and burning and Mr. Pettit stated the male began laughing. Mr. Pettit informed there was debris from crepe myrtle trees located forty-feet away and the female officer on duty stated he must have gained speed before hitting the building.

Mr. Pettit contacted Major Aaron Weiland to inquire about the report to obtain insurance information and asked if the male was given a blood test to see if he was impaired at the time of the accident. According to Mr. Pettit, Major Weiland stated the officer that answered the call did not feel the need to conduct a blood test, that the male had a medical condition. In Mr. Pettit's opinion the Cleveland Police Department had the opportunity to take a blood test but refused to administer a blood test.

Mr. Pettit obtained a list of past charges and citations issued to the male from the White County Sheriff's Office that included a warrant in which he was transported to the White County Jail at the time of the incident.

Mr. Pettit gave his opinion of events from the time the male left Ingle's to the incident at his business. Mr. Pettit informed a witness was behind the male and stated he was driving fine until he veered off the road and hit the building. Mr. Pettit feels the officer did not issue the blood test due to the witness statement and feels there is a possibility the witness was known by the male and may have been following him to make sure he made it to his destination. The male was cited, by the Cleveland Police Department, for failure to maintain lane.

Mr. Pettit called Mayor Turner and was informed to call the council member in his ward, Kevin Stanley. Mr. Pettit contacted Mr. Stanley and they met to discuss the incident and the concerns of

NEW BUSINESS – continued

Public Comments – continued - Mr. Pettit in how the police department handled the situation. Mr. Pettit feels Mr. Greene did not have any interest in his situation due to not showing for the meeting. Mr. Pettit also stated Mr. O'Bryant did not do his duty by telling him that the city council would not discuss his case and was obstructing his right to be heard. Mr. Pettit informed the Georgia Constitution states government officials are servants of the people and should be open and responsive to the people. Mr. Pettit opined that Mr. Greene was non-responsive and Mr. O'Bryant obstructed his right to be heard.

Mr. Pettit offered conditions the council should consider 1) have better oversight of the Cleveland Police Department; 2) Bradley Greene should resign his position of being over the police department; 3) Officially reprimand Tom O'Bryant as a city official for obstructing his right to be heard.

Mr. L.G. Pettit informed of an incident three-years ago in which his wife was in an accident due to an event at Truett. Mr. Pettit felt the police department and Chief Foster did not do their jobs by providing traffic control in the area. Mr. Pettit stated police protection should be for all and not conduct a sort of cronyism towards those in higher positions. Mr. Pettit stated he has known Jeff Shoemaker fifteen years and feels he will make a good police chief.

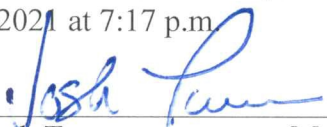
Mayor Turner asked if anyone had further comments. No one offered any comments. Mr. Pettit questioned the council on why they were not commenting. The council offered no comments.

OLD BUSINESS

There was no old business to discuss.

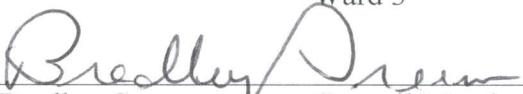
ADJOURNMENT

On motion by Nan Bowen, seconded by Kevin Stanley, in favor – Rebecca Yardley and Bradley Greene, and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of February 1, 2021 at 7:17 p.m.



Josh Turner Mayor


Kevin Stanley Council Member
Ward 3


Nan Bowen Council Member
Ward 1


Bradley Greene Council Member
Ward 4


Rebecca Yardley Council Member
Ward 2

ATTEST: 
Connie Tracas City Clerk

