



CITY OF SUMMERVILLE REGULAR COUNCIL MEETING MAY 12, 2014



CALLED TO ORDER: Mayor Harvey called the meeting to order.

ROLL CALL: Mayor Harry Harvey gave roll call. Mayor Pro Tem Lloyd "Buddy" Windle, Council Members David Ford, Dale Housch, Joe Money, Jr. and Zachary Martin were present. Also present was City Attorney Albert Palmour. City Manager Thompson was absent.

CALLED TO ORDER: Mayor Harry Harvey called the meeting to order.

INVOCATION: Mayor Harry Harvey gave the invocation.

PLEDGE OF ALLEGIANCE: Council Member Joe Money, Jr. led the pledge of allegiance.

WELCOME: Mayor Harvey welcomed everyone to the May 12, 2014 Regular Council Meeting. Mayor Harvey explained that there would be an opportunity for visitors to speak at the end of the meeting.

AGENDA: Mayor Harvey asked if there are any items to be added or deleted from the agenda as presented. No changes were requested. Council Member David Ford made a motion to approve the agenda as prepared and presented. Council Member Joe Money, Jr. seconded the motion which carried unanimously.

PLEASE SIGN IN: Mayor Harvey welcomed everyone again for attending the meeting. Mayor Harvey requested that those attending the meeting sign in listing their name, address, and reason for attending. Mayor Harvey stated that the public will be given an opportunity to speak and requested that comments be limited to one and one half minutes each.

ANNOUNCEMENTS: Mayor Harvey stated that he wants to mention the upcoming Finster Fest that will be held at the end of the month. Mayor Harvey encouraged everyone to attend the festivities.

BETTER HOMETOWN: Mayor Harvey stated that Ms. Locklear is not present for the Better Hometown report.

CODE ENFORCEMENT: Building and Code Enforcement Officer Joey Norton reported that property maintenance compliance is ongoing, the Family Dollar Store project is moving along, and permits continue to be issued.

WATER TREATMENT PLANT: Mayor Harvey reported that Water Treatment Plant Superintendent Janice Galloway is absent.

WASTEWATER TREATMENT PLANT: Wastewater Treatment Plant Superintendent Chris Tuggle reported that for the month of April the WWTP handled 6.1 million gallons of wastewater for an average of 2 million gallons per day, received 22 septic loads totaling 41,956 gallons for \$2,228.24, Tri-Con dumped 2,500 gallons of condensation water for \$125.00. Chris also gave a listing of all maintenance work done during the month of April.

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PUBLIC WORKS – UTILITIES: Utilities Superintendent Tony Carroll reported all work orders that have been done by all departments under his supervision during the month of April. Tony also reported that the water meter originally installed in the late 80s when the facility originally opened has been replaced. Tony also reported that 14 loads of junk were picked up during clean up week.

POLICE DEPARTMENT: Police Chief Stan Mosley reported that during the month of April officers patrolled 5,678 miles, housed 20 inmates for a total of 41 days, issued 170 citations and collected \$6,199 at the Police Department.

PROBATION: Police Chief Stan Mosley reported that the Probation Department collected \$10,014 in fines and \$18,851 in fees for the month of April.

FIRE DEPARTMENT: Assistant Fire Chief Butch Eleam reported that during the month of April the Summerville Fire Department responded to 83 calls. Butch reported that among the calls were 1 flammable spill, 1 controlled burn, 21 cancelled en route, 3 electrical, 13 EMS incidents, 1 false alarm, 20 medical assist, 10 vegetation, 3 outside rubbish, and 6 structure fires.

FINANCIAL REPORT: Mayor Harvey reported that the financial report was included in everyone's meeting packet. Mayor Harvey asked if anyone has any questions concerning the report. There were no questions asked.

PREVIOUS MINUTES APPROVED: Mayor Harvey asked if there are any corrections to the minutes of the previous meetings. Council Member David Ford made a motion to approve the minutes of previous meetings as prepared and presented. The motion was seconded by Council Member Dale Housch and carried unanimously.

PUBLIC HEARING – ZONING AT 216 SEVENTH STREET: Mayor Harvey explained that a discussion was held concerning the request for rezoning 216 Seventh Street from the current R-2 to a C-2 classification. Mayor Harvey stated that Council chose to revisit the request.

PUBLIC HEARING OPENED: Mayor Harvey stated that the Public Hearing is now opened. Mayor Harvey asked Joey Norton to present the information he has received.

Joey Norton reported that all but one person surrounding the location has been contacted. Joey stated that one property owner has not responded to written notification of the request for rezoning status. Joey explained that the same person is still unavailable. Joey stated that he has had no opposition to the zoning reclassification from those property owners responding.

Ms. Rounsaville addressed Council reading a statement that her family owned the Melanie Inn for over 40 years noting that the food services portion of the business recently closed. Ms. Rounsaville stated that it is her desire to serve the community by having prepared food available within walking distance.

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PUBLIC HEARING OPENED CONTINUED: Attorney Albert Palmour stated that the city's legal position and the position of the City Manager is that reclassification of a parcel of property in the middle of a residential area is inappropriate. Attorney Palmour stated that spot zoning would set precedence for future complications. Mayor Harvey stated that he is concerned about spot zoning and care is needed when considering the request. Mayor Harvey asked if the zoning request is granted could the property be used for anything else. Building and Codes Enforcement Officer Joey Norton responded stating that once a property is zoned as C-2 then any type business approved by the city's code of ordinances could operate at that location. Mayor Harvey asked if there are any other C-2 uses in the area. Joey responded that there is a beauty shop across the street from the location Ms. Rounsaville is making application for but it has never been zoned as C-2. Council Member David Ford asked about the DOT building. Joey responded stating that the DOT building is a governmental building and is not subject to the city's zoning ordinances. Attorney Palmour stated that the improper use of the property located across the street from Ms. Rounsaville's property should be cited. Discussion was held concerning classification of property. Attorney Palmour explained that once a property is zoned as commercial it remains commercial. Attorney Palmour stated that Melanie Inn operated as a commercial location before zoning maps were even established. Attorney Palmour stated that the location was grandfathered in once the city established a zoning ordinance. Council Member Dale Housch stated that he has known the Rounsaville family as a respected member of the community for many years. Council Member Housch stated that he would like to help but is concerned about the legal ramifications. Ms. Rounsaville stated that all she is trying to do is something positive for the community. Attorney Palmour stated that it is possible to table the decision to rezone the property.

CLOSE PUBLIC HEARING: Mayor Harvey asked if there are any further questions or comments. Mayor Harvey closed the Public Hearing.

ACTION: Mayor Harvey asked for Council's decision. Council Member Dale Housch made a motion to table the decision on the rezoning request pending further consideration. The motion was seconded by Council Member David Ford and carried unanimously.

POT HOLE REPAIR CONTRACT: Mayor Harvey explained that \$44,000 was set for pot holes to be repaired. Mayor Harvey explained that two bids have been received that mirror each other; one from Delbert Patty and one from Randy Patty. Mayor Harvey asked Utilities Director Tony Carroll to explain. Tony stated that his crew has tried to keep up with pot holes but there are a lot of them to fix. Tony explained that his crew works on pot holes one day a week. Tony explained further that there are so many other projects going on that one day a week is all that he can devote to the repairs. Tony stated that having a contractor come in and fix pot holes will provide the city staff better ability to keep things repaired. Dale Housch asked how long it would take Tony's crews to repair all the pot holes. Tony responded that it would take three or four months to make all the repairs if all his workers were dedicated to that one project. Tony explained that to focus all staff on that one project is not possible. Council Member Joe Money, Jr. asked how many pot holes \$44,000 will fix. Mayor Harvey responded that contractors would repair as many pot holes as possible with \$44,000 and recommended that a list of priority streets should be developed. Tony Carroll stated that the funds established would probably fix a little over half of the pot holes.

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POT HOLE REPAIR CONTRACT CONTINUED: Council Member Housch stated that he would like more specifics on the project, what roads would be done first, and then have the project re-bid. Council Member Housch stated that he finds it odd that two bids would be received for the exact same amounts. Mayor Harvey stated that work to repair pot holes needs to get underway. Attorney Palmour stated that the project would go faster if both contractors worked on the project. Mayor Harvey stated that it would be better if the city deals with one contractor rather than two for this project. Council Member Dale Housch made a motion to award the project to Randy Patty with the city to provide a list of street priorities. The motion was seconded by Council Member David Ford and carried unanimously. Mayor Harvey stated that the City Manager and Tony Carroll will provide Randy Patty with a list of priority streets.

GMA RETIREMENT PLAN AMENDMENT: City Attorney Albert Palmour explained that Council approved amending the city's GMA retirement plan for immediate vesting for the City Manager position. City Attorney Palmour explained that within the GMA retirement plan document there is some lack of clarity concerning service requirements. City Attorney Palmour stated that the plan currently has that 5 years of service with the city is required before anyone other than an elected official is eligible to retire. City Attorney Palmour stated that this requirement is in conflict with the immediate vesting amendment noting it was an oversight in the amendment. City Attorney Palmour stated that it is his understanding from conversations with City Manager Thompson that the amendment will have virtually no financial impact on funding of the retirement plan. Attorney Palmour stated further that there are some additional amendments as required by Federal labor laws that have been made concerning vacation leave, sick leave, and severance pay. Attorney Palmour stated that those changes are mandated. Council Member Dale Housch asked Attorney Palmour to explain vesting. Attorney Palmour explained that vesting is the length of time a person is required to work with the city before they become eligible to make application for retirement benefits based on the city's retirement plan document; either early retirement or normal retirement. Attorney Palmour stated that the vesting change to have the plan reflect Council's intent of immediate vesting for the City Manager's position and to bring the plan into compliance with Federally mandated reported earnings used in calculating retirement benefits. Council Member Zachary Martin made a motion to approve the changes to the GMA retirement plan as presented by City Attorney Albert Palmour. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

WATER TREATMENT PLAN – POND CLEANING: Mayor Harvey stated that the next item for consideration is \$18,000 to clean the ponds at the Water Treatment Plant. Mayor Harvey asked Chris Tuggle to explain the request in Janice Galloway's absence. Chris explained that the ponds fill up with sediment and it has to be cleaned out on an annual basis. Council Member Dale Housch asked if this item is in the budget. Carla Rutledge answered stating that the money is listed in the budget but was listed on the agenda because the dollar amount exceeds the City Manager's authorization level. Council Member Dale Housch made a motion to approve spending \$18,000 to clean the ponds at the Water Treatment Plant. The motion was seconded by Council Member David Ford and carried unanimously.

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FIRST, RAMEY & SCOGGINS STREETS – CDBG SEWER PROJECT: Mayor Harvey asked Tony Carroll to explain the Ramey Street CDBG project. Tony Carroll responded that he is unaware of the outcome of discussions concerning the paving project. City Attorney Palmour stated that two change orders have been done; one to cover the added materials used on First Street and one to finish the project paving. City Attorney Palmour explained that through negotiations between City Manager Thompson, BJ Gambil and Mr. Patty labor costs were removed from the overage expenses to the first part of paving done on First Street. City Attorney Palmour explained further that the project overage cost for the additional materials applied above contract specifications will be split three ways between the city, BJ Gambil, and Mr. Patty. City Attorney Palmour explained the second change order is to amend the specs on the remaining surfaces to be paved in association with the CDBG sewer project. There was discussion and some confusion on the numbers and specifications for the second change order so Mayor Harvey asked Council for a motion on Change Order 1 to split the material overage cost of \$7,236 for First Street three ways with each of the parties paying \$2,412. Council Member Dale Housch stated if all are in agreement he makes a motion to approve Change Order 1 for the paving portion of the CDBG Sewer Project having the material overage on First Street of split three ways between the city, BJ Gambil, and Mr. Patty with each party paying \$2,412. The motion was seconded by Council Member David Ford and carried unanimously. Mayor Harvey stated that Change Order 2 will be held for further information at Tuesday's Special Called Meeting.

WATER TREATMENT PLANT PUMP: Mayor Harvey requested Tony Carroll to give information concerning the Water Treatment pump being requested. Tony explained that the pump to the Goodwin Hill water tank is having trouble keeping the tank filled. Mayor Harvey asked what the difference is between one bid and the other. Tony explained that the difference is in the brand of pumps. Tony stated that he recommends the PACO pump from Goforth Williamson, Inc. Tony explained that he has used PACO pumps from Goforth before and had good success with them. Council Member David Ford made a motion to approve the purchase of the water pump from Goforth. The motion was seconded by Council Member Zachary Martin and carried unanimously.

BUDGET WORK SESSION: Mayor Harvey stated that there is a Budget Work Session scheduled. Mayor Harvey stated that he would like to look at any questions Council might have noting that there is another meeting scheduled for May 20th. Mayor Harvey stated that everyone has a listing of all fees and service charges. Council Member Dale Housch asked if the \$25 expediting fee is just for reconnection of service turned off for non-payment. Carla responded that it is for reconnection or new service except for cut-ins. Council Member Dale Housch stated that he thinks it should be limited to accounts disconnected for non-payment. Carla explained that the expediting fee is to insure utility service is made available the same day. Carla said that current policy is that any work order created is guaranteed to be completed before the end of the next business day. It was explained further that the expediting fee helps absorb some of the overtime cost associated with turning utility services on the same day.

Mayor Harvey stated that Council received additional information that was requested concerning classifications and salaries. Carla stated that City Manager Thompson has requested this portion of the meeting be postponed until he can be present on Tuesday. Mayor Harvey asked if there is any additional information needed for the Tuesday meeting.

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BUDGET WORK SESSION CONTINUED: Council Member David Ford stated that Council voted to give the Floyd County gas technician an increase in classification but the pay was never adjusted to reflect the decision. Mayor Harvey stated that information was provided about job descriptions for the meter readers, senior meter reader, and the service technician. Council Member Dale Housch asked what the "AD" in the top corner of the job descriptions means. Carla responded that it means administration which in turn means that the positions report to Jill.

Mayor Harvey asked if there are any further questions or comments. There were no further comments or questions.

ADJOURN: Mayor Pro Tem Lloyd "Buddy" Windle made a motion to adjourn. The motion was seconded by Council Member Zachary Martin and carried unanimously.

HARRY HARVEY – MAYOR

Attest:

JILL DURHAM – CITY CLERK, G.C.M.C.