



## CITY OF SUMMERVILLE SPECIAL CALLED MEETING JUNE 30, 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 Manager Russell Thompson and City Attorney Albert Palmour.

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

**INVOCATION:** Mayor Harry Harvey gave the invocation.

**PLEDGE OF ALLEGIANCE:** Council Member Zachary Martin led the pledge of allegiance.

**AGENDA:** Mayor Harvey asked if there are any additions or changes needed to the meeting agenda. City Attorney Albert Palmour stated that an executive meeting is needed to discuss a personnel matter and purchase issue. With no further additions or changes to the agenda Council Member David Ford made a motion to approve the meeting agenda. The motion was seconded by Council Member Dale Housch and carried unanimously.

**WELCOME:** Mayor Harvey welcomed everyone to the June 30<sup>th</sup> Special Called Meeting noting that anyone wishing to address Council will be given an opportunity to speak at the end of the meeting.

**ANNOUNCEMENT:** Mayor Harvey announced that the City's 4<sup>th</sup> of July celebration will be held this coming Saturday, July 5<sup>th</sup> beginning at 6 PM. Mayor Harvey stated that there will be a Second Saturday celebration on July 12 at 7:30 PM. Mayor Harvey announced that there will be a Teen Awareness meeting held 9 AM at the Fairway Recreation Department on 7/12. Mayor Harvey also announced that the Battle of the Bands will be held 7/19<sup>th</sup>. Mayor Harvey announced that the July Council Meeting will be held on July 14<sup>th</sup>. Mayor Harvey stated that there is a tentative planning meeting scheduled for August 18<sup>th</sup>.

**PUBLIC HEARING – USDA COMMUNITY FACILITIES LOAN:** Mayor Harvey stated that a Public Hearing will be conducted for public input, comments, and questions concerning a USDA Loan. Mayor Harvey requested City Manager Thompson to provide information concerning the loan. City Manager Thompson explained that the proposed USDA loan is for \$775,000 at 4.37% interest for 20 years. The funds are to purchase and install automated gas meters and to provide GIS mapping of our natural gas utilities. City Manager Thompson explained that the City has already received money from GEFA to purchase and install water meters. City Manager Thompson explained that 10 percent of the GEFA loan is forgivable. City Manager Thompson explained that the debt service for the gas loan is \$64,829. The annual debt service on the GEFA loan is approximately \$57,956. City Manager Thompson stated that the amortization schedule for the GEFA loan has not been received yet. City Manager Thompson explained that the debt service on both the water and gas automated meters will be approximately \$122,785. City Manager Thompson stated that based on the pro forma and project assumptions the new technology should foster an additional \$164,704 in water revenue. City Manager Thompson stated that he doesn't want a decision from Council based on revenue.

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**PUBLIC HEARING – USDA COMMUNITY FACILITIES LOAN:** City Manager Thompson stated that the update to new technology needs to be done to insure the most accurate billing possible for utility services provided. City Manager Thompson stated further that based on the USDA loan criteria a Public Hearing is required.

**PUBLIC HEARING OPENED:** Mayor Harvey opened the Public Hearing for the purpose of comments and questions concerning the City of Summerville's consideration of a USDA Community Facilities Loan to finance the purchase of digitally readable natural gas meters. Mayor Harvey asked if there are any questions or comments.

Jason Espy of *The Summerville News* asked if the opinion of the purchase (of digital meters) paying for itself has changed. City Manager Thompson responded stating that the return on the investment is an unknown but it is envisioned that there will be a 7% increase in revenue but 4 to 5% will be an improvement. City Manager Thompson stated that a 7% increase can't be guaranteed; it is a ball park number. Council Member Dale Housch asked about the engineering portion of the loan. City Manager Thompson explained that the engineering fee is built into the loan. Council Member Dale Housch asked why GEFA wasn't used for the gas meters. City Manager Thompson responded that GEFA does not deal with gas meters. Mayor Harvey stated that the newer meters can be retrofitted with electronics to allow them to be read. Jason Espy asked if there was a particular brand of meters that stands out. City Manager Thompson explained that bids will have to be submitted before a final decision is made. City Manager Thompson stated further that RFP's will also be taken into consideration.

**PUBLIC HEARING CLOSED:** Mayor Harvey asked if there are any further questions or comments. With no further questions or comments presented, Mayor Harvey closed the Public Hearing.

**FIREFIGHTER CHECKS:** Mayor Harvey stated that \$88,000 is budgeted for firefighter call response pay. Mayor Harvey requested that City Manager Thompson and Fire Chief Greg Echols provide information on this item. City Manager Thompson responded stating that in the past the firefighter response pay was capped at \$4,000 each. City Manager Thompson explained that last year Council decided to divide the budgeted amount among firefighters. City Manager Thompson explained that two options have been proposed; one that includes Safety Director Stan Mosley and one that divides the money only among the firefighters. City Manager Thompson explained that originally Chief Mosley was appointed Public Safety Director with \$2,500 for six months with the position and pay to be reviewed at the end of the six month period. City Manager Thompson stated that Chief Mosley's pay is set for years of service as Police Chief and not as Public Safety Director. City Manager Thompson stated that he should either be included with the distribution of the firefighter response pay or adjust his salary. Chief Greg Echols explained the Summerville Fire Department responded to 874 calls last year noting that the number of calls a firefighter responds to determine their share of the budgeted amount. Council Member David Ford stated that the pay calculates to about \$4.00 per call. Chief Echols responded stating that is correct if they qualify for 100%. Council Member Dale Housch asked if the payout is for volunteer firefighters only. Chief Echols responded stating that the regular firefighters come in and cover the fire station in case there is a second response needed.

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**FIREFIGHTER CHECKS CONTINUED:** City Manager Thompson stated that based on Federal law he doesn't think a full time firefighter can't be processed as volunteer firefighter with the same organization but is having Attorney Albert Palmour check into the situation. City Manager Thompson stated that it is his (RT's) understanding that if the fire station has under 5 full time firefighters there is an exemption for paying overtime. Mayor Harvey stated that there are two plans listed; one includes the Public Safety Director and one does not. Mayor Harvey stated that he thinks the Public Safety Director should be included with the distribution of response funds. Council Member Joe Money, Jr. stated that Chief Mosley's pay was \$61,250 and now it is \$66,000 so the Chief got a "bump" in pay. City Manager Thompson stated that Chief Mosley did get an increase in pay but it was for his years of experience as Police Chief not for the added responsibility as Public Safety Director. Council Member David Ford stated that he thought that the plan was to pay the Chief \$2,500 initially and then another \$2,500 after the end of the probationary period. City Manager Thompson responded that was the original plan. City Manager Thompson stated that Chief Mosley has done a good job working with the Fire Department noting that his classification is 23. Mayor Harvey stated that it is his recommendation that Chief Mosley be included with the firefighters for a cut of the budgeted responders pay. Council Member David Ford stated that the money should go to the firefighters that respond to calls. Council Member Dale Housch stated that he agrees the money needs to go to firefighters and if Chief Mosley's money needs to be adjusted it should be done separately. Council Member David Ford made a motion that all money budgeted for firefighter response pay go to the firefighters and work out something else for Chief Mosley later. The motion was seconded by Council Member Joe Money, Jr. City Attorney Albert Palmour stated that clarification is needed that the motion is to approve distribution Table 2 which does not include Chief Mosley. The clarification is duly noted. The motion passed with Council Members Ford, Housch, Money, and Martin voting in favor of the motion and Mayor Pro Tem Lloyd "Buddy" Windle voting in opposition.

**PUBLIC HEARING OPENED – THE SMOKE SHOP:** Mayor Harvey opened the Public Hearing concerning the alcohol and business license status for The Smoke Shop at 9733A Rome Boulevard, Summerville, Georgia.

City Attorney Albert Palmour stated that the Council has set this hearing to determine if action will be taken concerning the business and alcohol license status of The Smoke Shop in the Ingles Shopping Center. City Attorney Palmour stated that the City received a letter from Chattooga County Sheriff Mark Schrader explaining that a sting operation was conducted that involved The Smoke Shop and the alleged sale of "synthetic marijuana". City Attorney Palmour stated that the owner and operator of The Smoke Shop is identified as Sunil Patel. Attorney Palmour stated that Summerville Police Chief Stan Mosley and Chattooga County Sheriff Mark Schrader are present. Attorney Palmour asked Sheriff Schrader to explain the progression of events. Sheriff Schrader explained that a sting operation was conducted and on at least two different occasions where the investigation agents purchased a quantity of suspected illegal drugs. Sheriff Schrader stated that the items were tested by the GBI crime lab and found to contain a controlled substance. Sheriff Schrader explained that on May 1<sup>st</sup> of this year a search warrant was executed at The Smoke Shop where agents recovered more of the suspected illegal drug.

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**PUBLIC HEARING – THE SMOKE SHOP CONTINUED:** Sheriff Schrader explained that the undercover agent give money to Sunil Patel for “synthetic marijuana”, Sunil gave the money to his wife, and the undercover agent received a packet of suspected illegal drug in an empty cigarette pack. Sheriff Schrader stated that both Sunil Patel and his wife were active participants in the transaction. Sheriff Schrader explained that the last purchase of the suspected illegal drug the undercover agent gave the money to Sunil Patel’s wife and the product was once again put into an empty cigarette pack before handing it to the undercover agent. Sheriff Schrader stated that as of this date the lab results related to the last purchases have not been received. Sheriff Schrader stated that there have been other businesses within Chattooga County where sting operations have also been conducted. Sheriff Schrader stated that in the case of the businesses in the County the undercover agent made buys of the product from store clerks. Sheriff Schrader explained that the clerks were family members but not technically the store owners. Sheriff Schrader stated that in the case of The Smoke Shop, which is inside the city limits of Summerville, the sales of schedule one drugs was done by the owner operators. Sheriff Schrader stated that it is his duty to preserve the peace, protect the lives, person, property, health and morals of the people of whom he serves. Sheriff Schrader stated that the actions of the stores, owners and operators demonstrate a disregard for public safety, health and welfare of our county. City Attorney Albert Palmour stated that synthetic marijuana is a hazard to the public and Sheriff Schrader is making an effort to eradicate the product. Sheriff Schrader explained that the product is designed to mimic marijuana using chemical compounds to “skirt the law”.

Attorney Rex Abernathy was present to represent The Smoke Shop owner-operators Mr. and Mrs. Sunil Patel. Attorney Abernathy began defense of the allegations by asking Sheriff Schrader if he remembered the case several years back concerning the sale of a product that was alleged to be illegal only to have the lab results come back that all ingredients were legal. Attorney Abernathy stated that the law was actually changed to make the combination of components in the product illegal. Sheriff Schrader acknowledged that he was aware of the progression of laws needed to combat the dangerous product. Attorney Abernathy asked what the name of the product was that his agent purchased. Sheriff Schrader stated that the product was in a grey packet without any label. Attorney Abernathy asked Sheriff Schrader if it would be possible to purchase a product in 2012 and it be legal at that time then be made illegal at a later date. Sheriff Schrader stated that it is possible but that no documentation was provided for when or where the product in question was purchased. Attorney Abernathy stated that the original distributors should be held accountable for selling the product to store owners if the product is not legal. City Attorney Albert Palmour asked Police Chief Stan Mosley if Mr. or Mrs. Sunil Patel had given the City of Summerville Police Department any notification that they had been cited or arrested for the sale of suspected illegal drugs. Chief Stan Mosley responded that he has not been contacted by Mr. or Mrs. Sunil Patel. Attorney Rex Abernathy stated that he thinks the appeal is premature and that chemical results should be received before any decision is made. City Attorney Albert Palmour stated that The Smoke Shop has Alcohol License number 612. Attorney Palmour stated further that he feels like they (The Smoke Shop) should receive a suspension for at least 14 days or longer with the business license being permanently revoked upon conviction or admission of guilt of the offences being discussed.

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**PUBLIC HEARING – THE SMOKE SHOP CONTINUED:** Council Member David Ford stated that if the basis of the discussion is whether the owners knew the product is illegal or not then why would they sell that product out of the back of the store and not have it displayed out in the open? Sheriff Schrader stated that there will be no charges on the last purchase until the lab results are received (two prior purchases are confirmed illegal substances). Sheriff Schrader stated further that from the public standpoint, if they (Mr. and Mrs. Sunil Patel) think the product is legal, putting that product into an empty cigarette pack doesn't make sense. Council Member Joe Money, Jr. made a motion to revoke The Smoke Shop's business license until the case goes to trial. The motion was seconded by Council Member David Ford. Council Member Zachary Martin stated that he thinks their license should be revoked for three weeks. Mayor Harvey stated that having a business license revoked is based on a conviction. City Attorney Albert Palmour stated that the license can be revoked based on public safety and the technical violation of Mr. and Mrs. Sunil Patel not reporting the arrest. City Attorney Palmour stated that Sheriff Mark Schrader wants their license revoked for public safety. City Attorney Palmour stated that he recommends a 14 day suspension for the least amount of legal litigation. City Attorney Palmour went on to explain that his recommendation is based on the sole perspective of what action will require the least amount of legal services. Mayor Harvey asked for a vote by Council since a motion and second to the motion has been made. The motion passed with Council Members Ford, Windle, Housch, and Money voting in favor of the action. Council Member Zachary Martin voted in opposition of the motion. City Attorney Albert Palmour stated that he would prepare the required documents to carry out Council's motion.

**EXECUTIVE SESSION:** Attorney Albert Palmour stated that an Executive Session is needed to discuss a personnel issue and the purchase of property. Council Member David Ford made a motion to go into Executive Session. The motion was seconded by Council Member Dale Housch and carried unanimously.

**CLOSE EXECUTIVE SESSION:** Council Member David Ford made a motion to close the Executive Session. The motion was seconded by Council Member Zachary Martin and carried unanimously.

Mayor Harvey stated that there was no action taken in the Executive Session.

**PUBLIC COMMENTS:** Mayor Harvey asked if there are any public comments or questions. Jason Espy of *The Summerville News* asked if anyone got fired. Mayor Harvey responded stating that it was a reprimand.

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

Attest:

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**HARRY HARVEY – MAYOR**

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**JILL DURHAM – CITY CLERK, G.C.M.C.**