



**CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
FEBRUARY 8, 2015
6 PM**



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

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

INVOCATION: Mayor Harry Harvey gave the invocation.

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

MEETING AGENDA: Mayor Harvey asked if there are any changes to the agenda. With no changes requested, Council Member David Ford made a motion to approve the meeting agenda as prepared and presented. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

WELCOME: Mayor Harry Harvey welcomed everyone to the February 8, 2016, Regular Council Meeting. Mayor Harvey stated that people attending the meeting will be offered an opportunity to address Council now and again at the end of the meeting. Mayor Harvey asked if anyone wanted to address Council at this time. No attendees requested to speak.

MULTI PURPOSE TRAIL – KENDRA STALLINGS: Kendra Stallings addressed Council with a power point presentation requesting support for a multi-purpose trail to accommodate both pedestrians and bicycles. Kendra explained the health and welfare benefits to the community that a multi-purpose trail would provide. Information was also provided about economic benefits associated with this type project. As a part of the power point presentation, information was provided about grants available for funding through the US Department of Transportation, Federal Transit and the Federal Highway program.

Mayor Harvey thanked Ms. Stallings for the presentation. Mayor Harvey stated that the city is looking at quality of life projects noting that sidewalks and bike trails would help. Council Member David Ford stated that Summerville is a great location for this type program.

BETTER HOMETOWN – SUSAN LOCKLEAR: Susan Locklear addressed Council reviewing the report she submitted to Council covering the Better Hometown activities during the last month. Susan also reported the training she has participated in as well as upcoming events. A copy of Susan's report is attached and becomes part of these minutes.

CODE ENFORCEMENT: Joey Norton addressed Council reviewing the report he submitted concerning the permits issued from January 1st through January 31st, 2016. Joey explained that he continues to work on property maintenance. Joey stated that there are four remodeling projects in the downtown area. A copy of Joey's report is attached and becomes part of these minutes.

PAGE 2
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
FEBRUARY 8, 2016

WATER TREATMENT PLANT: Janice Galloway reviewed the report she submitted to Council for the Water Treatment Plan operations, distribution, and general information. A copy of Janice's report is attached and becomes part of these minutes.

WASTEWATER TREATMENT PLANT: Chris Tuggle reviewed the Wastewater Treatment Plant report submitted to Council. Chris reported the amount of wastewater treated, loads received, and general maintenance. A copy of Chris' report is attached and becomes part of these minutes.

PUBLIC WORKS/UTILITIES: Tony Carroll reviewed the report he prepared for Council that covers the water, sewer, street, and gas crew activities as well as the number of locates done during the months. Tony also provided general operational information and upcoming projects. A copy of Tony's report is attached and becomes part of these minutes.

RECREATION DEPARTMENT: Bo Chamlee reviewed the Recreation Department report he prepared for Council concerning the upcoming baseball and softball season. Bo also reported the building rental. A copy of Bo's report is attached and becomes part of these minutes.

POLICE: Police Chief Stan Mosley reviewed the report he submitted to Council concerning his department's activity during the month of January as well as probation. A copy of Chief Mosley's report is attached and becomes part of these minutes.

Chief Mosley reported to Council that two subjects are in jail for the Melanie Inn robbery. Several Council and staff members expressed appreciation for the quick police work.

FIRE DEPARTMENT: Fire Chief Greg Echols reviewed the report submitted to Council concerning the number and category of calls responded to by the Summerville Fire Department. Chief Echols' report is attached and becomes part of these minutes.

CITY MANAGER: City Manager Russell Thompson stated that revenue is at 1.1 million and expenses are at 963,000 with revenue down overall. City Manager Thompson explained the decline in revenue is due to a milder winter, Hays Prison closing down the boot camp, and industry consumption being down.

City Manager Thompson stated that the RFP was submitted last week and a response should be received around the end of March. City Manager Thompson stated that once the response is received then a special called meeting will be set.

ANN WARD: City of Summerville Ann Ward of 470 Sunnydale Road, Menlo, Georgia addressed Council concerning a problem with her utility bill. Ms. Ward expressed that she is a widow woman and that she had a water leak that she discovered when she returned home after being out of town for two weeks. Ms. Ward stated that her leak resulted in a bill of \$760.00. Ms. Ward explained that she had to have a new regulator and that she feels that it is unfair for her to have to pay for the leak. Ms. Ward stated that she thinks the leak happened when the water meter was changed. Ms. Ward stated that she talked with the city manager but she is not able to pay \$60 per month for water.

PAGE 3
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
FEBRUARY 8, 2016

ANN WARD CONTINUED: Ms. Ward stated that she is embarrassed to ask Council for help but she is a widow woman. Mayor Harvey stated that he understands that she has already talked with the city manager about the situation. Mayor Harvey stated that Council will not make any decision on this matter until discussion has been held with City Manager Thompson. Mayor Harvey thanked Ms. Ward for coming to the meeting. City Manager Thompson commented that a data log was done on the location and the leak occurred well after the new meter was installed.

NEW METERS: Council Member Earl Parris wants to know if customers are notified when the new meters are installed. Tony Carroll responded that the contractors will knock on the door and let the customer know if there is someone home. Council Member Parris also wanted to know if the water is turned to the off position when a new meter is installed. City Manager Thompson responded stating that Ms. Ward's situation was not related to the meter change out.

HOTEL/MOTEL TAX: Mayor Harvey stated that the hotel/motel tax item has been discussed in the past. Mayor Harvey explained that the tax is being changed from the original 5% to 3% with an effective date of March 1, 2016. Mayor Harvey stated that this is considered the first reading of the 3% hotel/motel tax ordinance. Mayor Harvey read the ordinance. Mayor Harvey stated that the second reading of the ordinance will be done later this month. Council Member Joe Money, Jr. questioned if having the second reading later this month would provide adequate time to notify the business. City Manager Thompson stated that there will be a budget session later this month with the second reading of this ordinance included.

PREVIOUS MINUTES: Mayor Harvey asked if there are any changes or corrections that Council feels needs to be made to the minutes of the previous meeting. With no changes or corrections requested, Council Member Joe Money, Jr. made a motion to approve the minutes of the previous meeting as prepared and presented. The motion was seconded by Council Member David Ford and carried unanimously.

PUBLIC HEARING – REZONING REQUEST FOR S27-114 – PROPERTY EAST OF UNIVERSITY AVENUE ON THE CORNER OF COLLEGE AND UNIVERSITY: Mayor Harvey stated that a public hearing will be held concerning a request to have the lot on the corner of College and University Streets rezoned from the current R-1 to a C-N.

OPEN PUBLIC HEARING: Mayor Harvey stated that the public hearing is now open.

Mayor Harvey asked Joey Norton to describe the property and request. Joey Norton explained that the request is to rezone an empty lot on the corner of College and University from the current R-1 to a C-N. Joey said that Robert McWhorter made the request but does not list any anticipated future use. Joey stated that the request for rezoning has been advertised for two consecutive weeks.

Mayor Harvey asked if there are any comments from the public.

PAGE 4
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
FEBRUARY 8, 2016

PUBLIC HEARING CONTINUED: Suzanne Royal at 107 University Street stated that she lives next door to the lot and is opposed to the property being zoned commercial. Ms. Royal stated that the property is in the historic district of Summerville and is an asset to the city. Ms. Royal stated that she feels rezoning the property would compromise the integrity of the neighborhood.

Bill Barker stated that he is there to share the information that there is a wet weather creek on the property being discussed and any commercial development could increase run off going to Ms. Royal's property.

Craig and Celia Holt were present and both expressed that they are opposed to rezoning the property. Craig stated that the property is ten yards from his back door which causes him concern. Craig also questioned if the property would have to be rezoned to become a parking lot. Attorney Albert Palmour responded stating that he did not think the owner could pave the lot to turn it into a parking lot without it being rezoned. Celia Holt stated that she is opposed to the rezoning of the property because she thinks it would decrease the value of their property. Celia also stated that if the property is rezoned and a convenience store is put there it would be an eyesore.

Robert McWhorter stated that the lot is so small that there is not enough room to build a convenience store. Robert said that he was thinking about building a business complex or a multi-family dwelling. Robert stated further that the property is adjacent to property zoned as C-N. Robert stated that the property is not suitable for a single family dwelling.

Mayor Harvey asked if there were any other comments.

Council Member Earl Parris asked Robert McWhorter what Rosemary would do with the property. Robert responded stating that the property was originally set for the Family and Children's Services building in the 70s but the location for that building was changed. Council Member David Ford asked about the history of how the property has been used in the past. Joey responded that the only information on hand is what it has been zoned as for the last 17 years; R-1.

CLOSE PUBLIC HEARING: Mayor Harry Harvey closed the public hearing.

COUNCIL COMMENTS & MOTION: Council Member Joe Money, Jr. stated that he does not think it is a good idea to spot zone property. Council Member Money stated that if it is done once then the requests will compound. Council Member Money stated that the property should be kept residential. Mayor Harvey asked if there are any further comments or questions. With no further comments or questions Mayor Harvey asked if there is a motion to rezone the property. There was no motion to rezone the property which results in the property retaining the current R-1 status.

APPROPRIATION OF RESTRICTED FUNDS: Mayor Harvey stated that the next item for discussion is an ordinance to establish protocol for appropriation of restricted funds. Mayor Harvey asked City Manager Russell Thompson to provide information on this topic.

PAGE 5
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
FEBRUARY 8, 2016

APPROPRIATION OF RESTRICTED FUNDS CONTINUED: City Manager Thompson explained that funds are currently restricted requiring a majority vote by Council. City Manager Thompson explained that Council has set aside special funds as a buffer to balance between good years and lean years. City Manager Thompson stated that he would like to see a safety margin set by requiring a super majority vote to access funds that are above the base operating funds of 2 million. City Manager Thompson explained that a super majority would require four votes in favor of spending funds other than the base operating funds. Council Member Joe Money, Jr. stated that he likes the idea. Council Member Money stated that if an emergency comes up then Council can vote. Council Member Earl Parris asked if the money has been protected in the past. City Manager Thompson responded that it has been protected but that a super majority would be an added safety net. Council Member Parris stated that he thinks having a super majority would protect "us" in the long run. Council Member Joe Money, Jr. made a motion to require a super majority vote in favor of spending funds above the standard operating account baseline of 2 million. The motion was seconded by Council Member Earl Parris and carried unanimously.

OVERTIME POLICY – CALL-IN EMPLOYEES ONLY: Mayor Harvey requested City Manager Thompson explain the overtime pay amendment.

City Manager Thompson explained that the change in overtime pay is in relation to call-in employees only. City Manager Thompson stated that as overtime stands now employees get holidays on the day offices are closes; usually Friday or Monday. Employees that don't physically work 40 hours don't get overtime. If a holiday is observed on Friday but the actual holiday is on Saturday then an employee on call would not get time and a half for the call in on Saturday. City Manager Thompson stated that he thinks it is reasonable that staff called in on an observed holiday or the actual holiday receive time and a half. City Manager Thompson stated that the idea is to reward those people that come in to work on a holiday. City Manager Thompson stated that this does not impact those staff members who are scheduled to work on a holiday either actual or observed. City Manager Thompson stated further that vacation leave, personal leave, bereavement leave, and sick leave is not counted as physical time work. City Manager Thompson stated that portion of the policy should remain in place. Council Member Earl Parris made a motion to approve City Manager Thompson's recommendation concerning overtime pay for call in employees during a recognized holiday. The motion was seconded by Council Member Zachary Martin and carried unanimously. A copy of the amended Policy #16 Compensation is attached and becomes part of these minutes.

VENDOR FEES: Mayor Harvey stated that the next item for discussion is setting vendor fees. Mayor Harvey asked that City Manager Thompson and Susan Locklear talk about this item.

City Manager Thompson stated that the city is holding more events with bigger groups. City Manager Thompson stated that the idea is to set a range for vendor fees based on the type of event. Susan Locklear interjected that she would think that vendor fees should be no less than \$15 and not over \$75. Susan stated that she would also like to look at having a different rate for inside and outside events. Susan stated that the Santa Train rides were all sold out and vendors for this type event could pay a little higher vendor fee.

PAGE 6
CITY OF SUMMERSVILLE
REGULAR COUNCIL MEETING
FEBRUARY 8, 2016

VENDOR FEES: Susan explained that the vendor fees would help to advertise events and help cover the cost to accommodate vendors. Mayor Harvey stated that a one day event minimum should be \$15 and a maximum of \$75 for a two day premium event. Council Member Joe Money, Jr. asked if the fees will be listed on our web site. Susan responded stating that vendor fees will be listed on the web site when events are set. Council Member Earl Parris asked if Susan has prepared a business plan for the funds. Susan responded that she can do that. Mayor Harvey asked if there is any further discussion or suggestions. No further discussion was held. Council Member David Ford made a motion to set \$15.00 as the base vendor fee for a one day event and the maximum vendor fee of \$75.00 for a two day event. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

CELL TOWER LEASE AGREEMENT: Mayor Harvey stated that authorization for the Mayor to execute all documents associated with a modified cell tower lease agreement is up for discussion next. Mayor Harvey asked the City Attorney and City Manager to give details on this item.

Attorney Albert Palmour explained that the current lease expires in 2018. Attorney Palmour stated that American Power wants to have an early renewal for 20 years with a bonus of \$5,000. Attorney Palmour stated that the lease modification should include the opportunity to review and approve each five year extension. Attorney Palmour stated that his recommendation is to authorize Mayor Harvey to negotiate and sign the American Power cell tower lease agreement documents. Attorney Palmour explained that he wants the interest of the city protected by having the option to review the agreement for each 5 year extension. City Manager Thompson interjected that the rent paid to the city will go up to approximately \$15,000 with a 3% increase at each renewal. Attorney Palmour explained that the agreement reflecting his recommendations is currently in the American Power legal department. Mayor Harvey requested a motion concerning the item. Council Member Earl Parris made a motion to authorize Mayor Harvey to sign all documents required to execute a cell tower lease agreement as described by the City Attorney. The motion was seconded by Council Member David Ford and carried unanimously.

GAS UTILITY EXTENSION POLICY: Mayor Harvey stated that establishing a gas line extension policy has been discussed in prior meetings. Mayor Harvey stated that the City Manager and Utility Director were given the task of coming up with policy recommendations. City Manager Thompson stated Council has a copy of the proposed ordinance listing the guidelines regulating gas main extensions to chicken houses, poultry farms, or similar entities. City Manager Thompson reviewed the draft policy details which are attached and becomes part of these minutes. City Manager Thompson stated further that there will be circumstances that might cause special consideration to the ordinance such as industry coming into our service area that would result in job creation. City Manager Thompson stated that Tony has created a form to be completed for gas line extensions. City Manager Thompson explained that if a group of people request a gas line extension then consideration will be given to the cost of the project and how many customers would be added. Tony interjected that people would be given 90 days from the start of the project to sign up for service. Council Member David Ford made a motion to accept and approve the ordinance regulating gas main extensions to chicken houses, poultry farms, and the like. The motion was seconded by Council Member Earl Parris and carried unanimously.

PAGE 7
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
FEBRUARY 8, 2016

TRANSMITTAL RESOLUTION FOR SUBMISSION OF COMPREHENSIVE PLAN UPDATE: Mayor Harvey stated that the transmittal resolution for submission of the updated Comprehensive Plan needs approval. Mayor Harvey read the resolution covering the updated five year joint plan for Chattooga County, Lyerly, Menlo, Summerville and Trion covering 2016 through 2020. A copy of the resolution is attached and becomes part of these minutes. Mayor Harvey stated that City Manager Thompson has the full plan. Council Member Joe Money, Jr. made a motion to authorize the transmittal resolution for submission to the Department of Community Affairs for the updated five year joint Comprehensive Plan. The motion was seconded by Council Member Zachary Martin and carried unanimously.

CORRUGATED TILE: Mayor Harvey stated that authorization is being requested for the purchase of corrugated tile costing \$5,040.91. City Manager Thompson explained that the tile is to replace some that the city had to borrow during the last flood and the remainder is for inventory. Mayor Harvey stated that authorization is needed because the purchase is above the \$5,000 spending limit. Council Member Earl Parris made a motion to authorize the purchase of corrugated tile costing \$5,040.91. The motion was seconded by Council Member David Ford and carried unanimously.

PERMITS – 10100 COMMERCE STREET: Mayor Harvey requested that Joey Norton provide information concerning the permits being requested for 10100 Commerce. Joey explained that the location is where Yolie's Yogurt was operating. Joey explained that the property is being rented by Jeremy Kwaterski who has made one application for framing and one application for electrical work. Joey explained that the framing deals with an interior wall where the yogurt machines were located which needs modification for the new tenant's needs. Joey explained that the electrical permit has to do with moving outlets. Council Member David Ford made a motion to approve the framing and electrical permits for 10100 Commerce. The motion was seconded by Council Member Earl Parris and carried unanimously.

Council Member Earl Parris questioned who approves the paint color scheme on downtown buildings. Joey Norton responded that it up to the owner. Council Member Parris stated that he thinks that the esthetics of colors needs to be considered for the downtown historic district. Mayor Harvey responded that there are no plans to determine the best color for a building. Council Member Earl Parris stated once again that he thinks the issue of building colors needs to be considered.

ELECTRICAL PERMIT 10143 COMMERCE: Mayor Harvey asked Joey Norton to give any extra information he has on the electrical permit for 10143 Commerce. Joey stated that the electrical permit is for Smith Electrical to repair or add wiring; standard base permit. Joey stated that this is only brought to Council due to the physical location being in the downtown historic district. Council Member Joe Money, Jr. made a motion to approve the electrical permit for 10143 Commerce. The motion was seconded by Council Member Zachary Martin and carried unanimously.

BUDGET WORK SESSION: Mayor Harvey explained that there will be no action concerning the budget tonight; this information is being presented in preparation for another meeting dedicated to the budget. Mayor Harvey requested City Manager Thompson to explain.

PAGE 8
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
FEBRUARY 8, 2016

BUDGET WORK SESSION CONTINUED: City Manager Thompson explained that traditionally the annual budget is visited mid year to look at how revenue and expenses stand verses budgeted numbers. City Manager Thompson stated that once the budgeted numbers are compared to actual mid year numbers adjustments are made accordingly. City Manager Thompson explained that the budget shows a deficit of \$530,724. City Manager Thompson explained that the deficit is due to \$112,000 paid to the State of Georgia Department of Revenue for unpaid taxes and interest for tax returns not filed in over 14 years, \$5,000 to the IRS for civil penalty on W-2 non pretax deductions, \$5,000 to the County agricultural fair, \$10,000 for the removal of bats at Dewy Hoskins Gym, \$3,000 for handicapped swings, \$2,816 in EPD fines for sewer spills, \$12,804 to cover the insurance deductible for accidents/lightning strikes, and \$29,000 to rebuild reuse water pumps at the waste water treatment plant. In addition to the unanticipated expenditures revenues are down in the enterprise funds. City Manager Thompson explained that he projects the net gas margin will be down \$100,000 through the end of the fiscal year. City Manager Thompson explained that water revenues are projected to be down \$250,000. City Manager Thompson explained further that residential revenues are up approximately 2% and commercial sales are down. City Manager Thompson explained the decline in commercial water sales being due to the prison shutting down the boot camp and another facility as well as the Mohawk-Lyerly plant has not pulled water through the 12 inch main as they have historically. City Manager Thompson stated further that the city has pumped 34,500,000 gallons less into distribution than we did during the same time period last year. City Manager Thompson stated that the city will remain on an internal spending freeze until and if revenues increase. City Manager Thompson explained that having set aside reserves to cover operations during a down year is why he recommended a super majority requirement to pull from the safety net funds.

Mayor Harvey stated that Council has a copy of the budget with the proposed verses actual numbers. Mayor Harvey requested that everyone review the information in preparation of a budget work session to discuss the final product. Mayor Harvey asked Council to be careful about cuts; some things can be cut and some things do not need to be bothered. Mayor Harvey stated that he has a few dates in mind for a budget work session; 2/18, 2/22, and 2/25 at 6 pm. After a general discussion Council Member David Ford made a motion to hold a budget work session at 6 pm on 2/22/16. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously. Council Member David Ford asked if department heads will be needed. Mayor Harvey responded stating that they will be notified if attendance is required.

EXECUTIVE SESSION OPEN: Mayor Harvey stated that an Executive Session is needed for the purpose of discussing the City Manager's annual review and pending litigation. Council Member David Ford made a motion to go into Executive Session. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

EXECUTIVE SESSION CLOSED: Mayor Harvey stated that no action was taken in the Executive Session. Mayor Harvey stated that he would like to say that the City Manager is found to be doing a satisfactory job and is excellent at providing information. Mayor Harvey stated that the Executive Session is considered closed.

PAGE 9
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
FEBRUARY 8, 2016

COMMENTS – QUESTIONS FROM THE PUBLIC: Jason Espy of *The Summerville News* asked for an explanation of the meter project problems.

City Manager Thompson explained that there is a contract for approximately 4,000 water meters and 4,000 gas meters. City Manager Thompson explained that the city underestimated the number of backflows that would need to be installed which in turn has made the project take longer than anticipated. City Manager Thompson explained that the cost to have the contractor stay was expensive so it was decided to use in-house staff to finish the project. City Manager Thompson stated that on the gas side of the project there have been some problems with installations, start reads, and programming. City Manager Thompson explained that an exception report is now run to locate and resolve problems. City Manager Thompson explained that there is a 90 day hiatus to work on obtaining a good inventory on what has been done and what material needs to be ordered to get finished. City Manager Thompson stated that the city missed some things in the field, the contractor could have done better with installs, and engineering could have done better with project organization.

Jason Espy asked if volunteer fire fighters are issued 1099s. City Manager Thompson responded, "Yes".

Jason Espy asked for copies of all the correspondence associated with the IRS issue. City Manager Thompson stated that the IRS does not correspond via email; it is either certified mail or telephone conversation. City Manager Thompson stated that he would provide Jason with a copy of what the city has on file.

Jason Espy asked if the Council has the right to change the meeting time or establish super majority voters under home rule. City Attorney Albert Palmour responded that an ordinance will have to be drawn for the super majority vote. Attorney Palmour stated the Code of Ordinance and City Charter determines where and when meetings are held.

ADJOURN: All current business having been concluded, 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.