



CITY OF SUMMERVILLE SPECIAL CALLED MEETING JANUARY 30, 2017 5 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, Joe Money, Jr. and Zachary Martin were present. Also present was City Manager Tony Carroll and City Attorney Albert Palmour. Council Member Earl H. Parris was absent.

INVOCATION: Mayor Harry Harvey gave the invocation.

PLEDGE OF ALLEGIANCE: Council Member David Ford led the pledge of allegiance.

AGENDA: Mayor Harvey asked if there are any additions or deletions to the meeting agenda. With no changes 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.

WELCOME: Mayor Harvey welcomed everyone to the Special Called Meeting. Mayor Harvey requested that visitors sign in listing their name, address, and reason for attending the meeting. Mayor Harvey stated that visitors will be offered the opportunity to speak now and again at the end of the meeting. Mayor Harvey asked if anyone would like to speak.

Jason Espy of *The Summerville News* addressed Council asking how the "meeting" went. (Jason's reference was to city elected officials gathering to tour all city facilities.) Mayor Harvey responded stating that visits were made to all facilities except the Wastewater Treatment Plant. Mayor Harvey stated that overall Council was pleased with the tour but found that there are some locations that need some work performed. Jason Espy asked if a visit was made to the garage. Mayor Harvey responded stating that the garage was visited noting that the location is currently serving its purpose but does look rough.

ANNOUNCEMENTS: Mayor Harvey stated that there are some upcoming February and March activities which will be covered during the February regular meeting. Mayor Harvey stated that the Highland Avenue sidewalk project is coming along well. Mayor Harvey stated that Regular Council Meetings are held the second Monday of each month. Mayor Harvey stated that he is pleased to announce that the City of Summerville has been awarded the Georgia City of Ethics Award. Mayor Harvey stated that a plaque was presented to the city at the annual GMA Mayors Conference in Atlanta this past weekend. Mayor Harvey stated that the award plaque will be displayed in Council Chambers. Mayor Harvey stated that he appreciates all the work done to achieve the honor of being a City of Ethics recipient.

UNDERAGE ALCOHOL SALES PENALTIES: Mayor Harvey stated that a recent sting operation resulted in three establishments with alcohol license selling alcohol to underage customers. Mayor Harvey stated further that Council requested more discussion concerning the penalty for underage sales of alcohol. Mayor Harvey stated that Council expressed the opinion that there needs to be stiffer penalties for underage sales.

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UNDERAGE ALCOHOL SALES PENALTIES CONTINUED: Mayor Harvey asked that Police Chief Stan Mosley provide information explaining how the fines for underage alcohol sales are established. Chief Mosley stated that the Summerville Police Department mirrors what the State of Georgia sets as their penalties for the same offense. Mayor Harvey asked what Chief Mosley recommends. Chief Mosley stated that the State charges \$990 for the first DUI. Chief Mosley stated that the first offense could be between \$1,000 and \$1,500 and the second offense could be suspension of their license for one day up to a week. Mayor Pro Tem Lloyd "Buddy" Windle stated that he thinks that if a business sells alcohol to an underage person their license should be pulled right then. Chief Mosley responded that there has to be a hearing before the license could be pulled. Mayor Pro Tem Windle stated that if you get stopped by the police and you are cited with a DUI the driver's license is pulled right then and there. Chief Mosley responded stating that the City Attorney says the business owner has to have a hearing before the alcohol sales license can be suspended or terminated. Council Member Joe Money, Jr. asked if the clerk can be kept from selling alcohol. Chief Mosley responded that the sales clerk can be cited and kept from selling alcohol. Chief Mosley stated that if a clerk sells to an underage customer they are usually fired. Council Member David Ford asked how often checks are done for underage sales. Chief Mosley stated that sting operations are conducted three to four times a year. Council Member Joe Money, Jr. stated that he thinks that the first offense should have a \$1,000 fine against the store. Mayor Pro Tem Lloyd "Buddy" Windle asked what is done about underage sale of cigarettes. Chief Mosley responded stating that if the violation is discovered, a fine could be imposed. Chief Mosley explained that if the underage customer has parental consent for the purchase then there is nothing that can be done. Mayor Harvey asked that the sales clerk procedures be handled first. City Attorney Albert Palmour stated that the sales clerk would be cited by municipal court and be give a fine and a hearing date. City Attorney Palmour explained that the individual has the option to either pay the fine and be done or go to municipal court and address the case. City Attorney Albert Palmour read the existing City of Summerville Alcohol Ordinance Section 4-71 Suspension or Revocation. The existing alcohol ordinance lists that an alcohol license may be suspended or revoked by the City Council for any violation of the alcohol ordinance chapter, any violation of state laws and regulations relating to alcoholic beverages, for any material misrepresentation or omission in the application for the license; or if the licensee or licensed business ceases to meet the eligibility requirements for licensure. The existing alcohol ordinance states that the first suspension in a 12-month period shall not exceed 30 days. Second suspension in a 12-month period shall not exceed 60 days. Third suspension in a 12-month period shall cause revocation of the license and result in the inability of the licensee to obtain a license from the city for a term of three years from the date of revocation. Council Member David Ford asked if the offender can be arrested. City Attorney Palmour stated that you could arrest the person and allow them to post bond until the hearing. Chief Mosley stated that in the past an opportunity has been given to pay the fine rather than go to jail. Mayor Harvey stated that for the business the first offense could be \$1,000 fine, second offense 1 to 2 week suspension of the alcohol license, third offense 1 month suspension, and 4th offense the license could be revoked without the ability to renew for three years. Attorney Palmour stated if the ordinance is amended with these penalties then the penalties are rigid rather than how it is listed now with the Council functioning as the Alcohol Board and possessing discretionary decisions based on evidence presented.

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UNDERAGE ALCOHOL SALES PENALTIES CONTINUED: Mayor Harvey stated that the Alcohol Board would have to meet either way. Attorney Palmour affirmed that Mayor Harvey's statement of having the Alcohol Board meet no matter what the penalty is set for is correct. Mayor Pro Tem Windle stated that the penalties should be the same for everybody. Mayor Pro Tem Windle stated further that once the changes are made, then Chief Mosley should provide all businesses with alcohol sales license a copy of the amended penalty schedule. City Attorney Albert Palmour stated that the current ordinance lists that a notice of a hearing has to be issued within 45 days. Mayor Harvey stated a hearing should be held within 10 days. Mayor Harvey stated further that the first offense of underage alcohol sales has a minimum fine of \$1,000 and up to 30 days suspension of the alcohol sales license, the second offense has a minimum of two weeks up to 60 days suspension of the alcohol sales license, and the third offense of underage sale of alcohol is revocation of the alcohol license without the ability to reapply for three years. Chief Mosley asked what is the violation time frame. Council Member Joe Money, Jr. suggested a two-year period. Council Member Zachary Martin asked if the second offense has the opportunity to pay a fine rather than have their license suspended. Mayor Harvey answered that there is no outright penalty associated with the second offense. City Attorney Palmour explained that alcohol license are for a 12-month period. City Attorney Palmour stated further that it would be better to have the penalties in line with the term of the license. City Attorney Palmour explained that Council always has the option to approve the license for the following year under probationary status subject to immediate revocation if a violation occurs. Mayor Harvey stated that the penalties will be for a 12 month period if Council agrees. No objection was voiced. Attorney Palmour stated that he would prepare the amendment to the ordinance for the February meeting. Attorney Palmour stated further that the violations will apply to both retail and on premise sale of alcohol. Attorney Palmour stated that he suggests that there be strict compliance concerning turning in applications for renewal of alcohol license and penalties for late submission. Mayor Harvey asked for a motion concerning amending the penalties for underage sale of alcohol. Mayor Harvey stated that the motion is to have the city attorney draw up the ordinance amendment stating that violation of the alcohol ordinance for underage sale of alcohol during a 12-month period shall hold penalties as follows; the first offense of underage sales of alcohol has a minimum penalty of \$1,000, the second offense has a minimum penalty of 2 weeks suspension of the alcohol license, and the third offense has a minimum of revocation of the license without the opportunity to reapply for an alcohol license for three years. The motion should state further that when an offense occurs the Alcohol Board shall meet within ten days to hold a hearing. Council Member David Ford stated that he so moves. Council Member Joe Money, Jr. stated that he seconds the motion. The motion passed with unanimous approval.

FAIRWAY RECREATION CENTER BIDS: Mayor Harvey stated that the Fairway bid opening was held on January 27th. Mayor Harvey asked that City Manager Tony Carroll provide information concerning the results. City Manager Carroll stated that one bid of \$412,690.00 was received for construction of a new Fairway Recreation Center. City Manager Carroll explained that he has spoken with the contractor requesting a cut sheet that would help reduce the cost. City Manager Carroll asked that the bid be accepted then see if the price can be reduced through negotiations. Council Member David Ford asked how will the balance above the budgeted amount be paid. City Manager Carroll stated that there is actually \$325,000 allocated for the project.

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FAIRWAY RECREATION CENTER BIDS CONTINUED: City Manager Carroll stated that the remainder of funds above the \$325,000 could come from restricted funds. City Manager Carroll stated that it looks like the mid-year budget numbers will provide a \$100,000 surplus. City Manager Carroll stated that a solid number would be available tomorrow (mid-year budget surplus). Council Member David Ford stated that he wants to leave the emergency restricted funds alone. Council Member Joe Money, Jr. stated that he would like to see a cut list. City Manager Carroll stated that the project, at bid price, is \$87,690 short of assigned funding. City Manager Carroll stated that the price does not include kitchen cabinets or appliances. City Manager Carroll stated that he recommends taking out the heating and air systems listed and have a local business handle that part which should save about \$10,000. City Manager Carroll stated that a cut list was supposed to be ready today but was not available prior to the meeting. Mayor Harvey stated that he would like to see the bid accepted then see what cuts can be done. Mayor Harvey stated that he also does not want to use restricted cash funds. Council Member David Ford asked if there is any idea of what can be cut. City Manager Carroll stated that he hopes that \$30,000 to \$40,000 can be cut from the bid price. Council Member Joe Money, Jr. stated that he doesn't understand how an architect can't be found that can come up with a \$300,000 building. Mayor Harvey stated that the number sounds good to him. Mayor Harvey stated that we were fairly sure other funds would have to be used to finish paying for the project. City Manager Carroll stated that the bid received says that they can complete the project in 210 days. Council Member David Ford asked the name of the company that submitted the bid. City Manager Carroll stated that the bidding company is Davis Contracting and Development Corporation out of Rome, Georgia. Council Member Ford asked code enforcement officer Joey Norton if this is a good contracting company. Joey replied that he knows he is a contractor but will not say if it is a good or a bad company. Council Member David Ford made a motion to accept the bid with the stipulation that no restricted cash fund money be used to pay for the project. City Manager Carroll stated that he will know about the mid-year budget surplus number tomorrow. City Manager Carroll asked if a decision can wait until the February 13th Regular Council Meeting. City Manager Carroll stated that the problem is if there is not money in the budget will money come from restricted cash to fund the balance of the project. City Attorney Albert Palmour interjected that Council can't award a bid without a financial plan to fund the project. Mayor Harvey stated that there has been a motion to approve the bid without any further action which means the motion dies. Mayor Harvey stated that the item is tabled and will be discussed at the next meeting.

2016-2017 MID-YEAR BUDGET: Mayor Harvey asked City Manager Carroll to provide information concerning the mid-year budget. City Manager Carroll stated that at the beginning of mid-year budget review the numbers reflected a \$466,000 deficit. City Manager Carroll stated that if the numbers work out correctly the budget should work out with a \$112,000 surplus. City Manager Carroll stated that the largest factor to affect the budget is gas sales. City Manager Carroll stated that he will have a spreadsheet available by the end of the week showing the gas sales trends over the last few years.

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2016-2017 MID-YEAR BUDGET CONTINUED: City Manager Carroll stated that software glitches have delayed the process a little. Council Member Joe Money, Jr. asked what "glitches" are occurring noting the software is new. Finance Director Carla Rutledge stated that there aren't really "glitches". Carla explained it is a matter of this being the first budget processed in the new software and it takes a little longer to get things done because it is new. Carla stated that the next budget would go faster. City Manager Carroll stated that the mid-year budget has the addition of one staff member for the Police Department and one for the Water Treatment Plant. Mayor Harvey stated that it may be necessary to have a mid-year budget meeting. City Manager Carroll stated, "There wasn't anything bad or out of the ordinary." (in the mid-year budget). Mayor Harvey stated that the biggest factor is the warm weather.

PUBLIC COMMENTS: Mayor Harvey asked if there are any public comments.

JASON ESPY: Jason Espy of The Summerville News asked if there is a special sheet showing gas sales for the last five years split by residential and commercial sales. City Manager Tony Carroll responded stating that he will get Jason a copy of the spreadsheet he is preparing. City Manager Carroll stated that gas sales are trending up a little bit from last year.

JASON ESPY: Jason Espy asked if anyone has asked BJ Gamble about bidding on the Fairway building. Jason stated that he bet BJ could do the job within the budgeted amount. City Manager Carroll stated that BJ did not bid on the project.

JASON ESPY: Jason Espy asked if the businesses that were fined for underage sales already had a fine set with no hearing. Attorney Palmour responded stating that the establishments signed a consent order wherein they agreed to pay the fine and waive the right to a hearing. Police Chief Stan Mosley stated that the establishments can either pay the fine or contest the citation. City Attorney Palmour stated further that Council has expressed the opinion that the current fine is too small and will be increased through amendment of the existing alcohol ordinance.

MAYOR PRO TEM LLOYD "BUDDY" WINDLE: Mayor Pro Tem Windle stated that if the cost of the Fairway project can be reduced by \$50,000 or \$60,000 then he thinks it would be okay to pull the balance from the restricted cash fund.

ADJOURN: Mayor Harvey asked if there is any more business to be discussed. With no further comments Mayor Pro Tem Lloyd "Buddy" Windle made a motion to adjourn. Council Member David Ford's motion to second was carried unanimously.

HARRY HARVEY – MAYOR

Attest:

JILL DURHAM – CITY CLERK, G.C.M.C.