



**CITY OF SUMMERVILLE
SPECIAL CALLED MEETING
DEPOT
OCTOBER 28, 2019
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, Earl H. Parris, Joe Money, Jr., and Zachary Martin were present. Also present were City Manager Janice Galloway and City Attorney Albert Palmour.

INVOCATION: Mayor Harry Harvey gave the invocation.

PLEDGE OF ALLEGIANCE: Council Member Earl H. Parris led the pledge of allegiance.

AGENDA: Mayor Harvey asked if any changes were needed to the meeting agenda. With no changes requested, Council Member David Ford made a motion to approve the agenda as presented. Council Member Zachary Martin seconded the motion, which carried unanimously.

WELCOME: Mayor Harvey welcomed everyone to the Special Called Meeting. Mayor Harvey requested visitors introduce themselves and limit their comments to three to five minutes.

JASON ESPY: Jason Espy with *The Summerville News* asked for an update on the Santa in Uniform case. Mayor Harvey stated he had not received an update, but as far as he knows, the GBI is still working on the case. City Attorney Albert Palmour interjected, stating he had the same concern, and he has spoken with District Attorney Leigh Paterson in Floyd, County. City Attorney Palmour explained the case was turned over to District Attorney Patterson after District Attorney Franklin declined to participate in the case because it involved a government agency in Chattooga County. City Attorney Palmour explained District Attorney Patterson requested the financial documents be reviewed by the GBI accounting group. City Attorney Palmour stated District Attorney Patterson was waiting on the group to complete the review of the records. City Attorney Palmour asked District Attorney Patterson to follow up because it was his understanding there had been an omission by the person that took the money and wanted to make sure it is prosecuted within the statute of limitations. City Attorney Palmour stated District Attorney Patterson assured him something would be done by the end of the year. Jason asked what the statute of limitations is on the case. City Attorney Palmour stated, "Four year's."

Mayor Harvey gave the following announcements:

- Encouraged visitors and council to view the Streetscape project after the meeting.
- Invited visitors to November and December events.
- Regular Council Meetings are held on the second Monday of each month.
- Municipal Election to be held on November 5, 2019

CITY ATTORNEY: City Attorney Albert Palmour explained he would add a sign with Palmour Law Firm under the lights at his office, and he will get with Code Enforcement Officer Joey Norton to make sure he is in compliance.

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CITY MANAGER: City Manager Janice Galloway reported a balance of \$2,058,448.32 in the operating account.

NEW BUSINESS

CARTER & SLOOPE: Mayor Harvey stated the first item of new business is to consider approving Carter & Sloope to review the Mohawk Industrial pre-treatment program at the cost of \$15,000. Mayor Harvey requested City Manager Janice Galloway to provide more information on this item. City Manager Galloway explained Carter & Sloope would complete a study on wastewater permit limits and the effects the wastewater Mohawk will release will have on the Wastewater Treatment Plant over the next four years. Janice explained this information would be used to write Mohawk's permit for the next four years. Janice stated the draft is due by December 1, 2019. Council Member Joe Money, Jr. asked if anyone met with Mohawk about any future expansion. Janice stated a meeting was held, and a five-year plan was requested from Mohawk, but at this time, Mohawk has not provided that information. Council Member David Ford made a motion to approve Carter & Sloope to review the Industrial pre-treatment program for Mohawk in the amount of \$15,000. Council Member Earl H. Parris asked where the money would come from. Mayor Harvey stated, "Wastewater maintenance and materials." Council Member Earl H. Parris seconded the motion, which carried unanimously.

RIGHT-OF-WAY MOWING: Mayor Harvey stated the next item of business is to award the right-of-way mowing bid. Mayor Harvey stated the low bid was for \$9,000 from Tim Westbrook. Mayor Harvey explained the cost would be shared with the Town of Trion and the City of Lafayette. Council Member Zachary Martin made a motion to award the right-of-way mowing bid to Tim Westbrook in the amount of \$9,000. The motion was seconded by Council Member David Ford and carried unanimously.

CITY MANAGER CONTRACT-JANICE GALLOWAY: Mayor Harvey stated the next item of business is to consider approving the Contract for City Manager Janice Galloway effective November 1, 2019, and remain in effect until November 1, 2020. Mayor Harvey explained the contract is a yearly contract, and City Manager Janice Galloway was in agreement with the contract, with the exception of the vacation and sick leave time recommended. Mayor Harvey stated the contract allows three weeks of vacation and sick time with no accrual. Mayor Harvey stated after speaking with City Manager Galloway, his recommendation would be to allow her four weeks of vacation time and three weeks of sick time, but no time could be accrued. Mayor Harvey asked for discussion from City Manager Galloway. Janice explained she would like to carry a portion of her unused time forward. Janice stated the city has never paid out unused sick time, and her recommendation was to allow her to accrue time, but if her employment with the city is terminated, the city would not have to pay her for unused vacation time or sick time. City Attorney Albert Palmour asked City Manager Janice Galloway what she would like to accrue. Janice explained since the current contract would become effective November 1, 2019, she would not be able to use any vacation time in the amount of time before her current contract expires. City Attorney Palmour explained the reason for not allowing a large amount of accrued time is because it is a one year contract, and the city would not want to operate without a manager for seven weeks.

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CITY MANAGER CONTRACT-JANICE GALLOWAY CONT: City Attorney Palmour explained provisions could be made to pay the City Manager for the unused time. Mayor Pro Tem Lloyd "Buddy," Windle asked if this applied to all employees. Mayor Harvey stated, "No, but no one else is under contract, but the City Manager." Council Member David Ford stated she came into a situation that did not allow her to take time off. Council Member Earl H. Parris asked how many weeks can an employee rollover. Janice stated up to thirteen weeks. Council Member Earl H. Parris asked Janice for clarification on what she is requesting. Janice explained she would like to be able to carry her vacation and sick time forward, with no payout at the end of her employment with the city. Mayor Harvey stated his recommendation is to allow three weeks of sick leave and at the most four weeks of vacation, with no accrual. Council Member Joe Money, Jr. asked if the contract could be made effective January 1, 2019. Mayor Harvey stated, "No, the existing contract runs out November 1, 2019." City Attorney Palmour interjected stating he could amend the contract to allow her to carry forward one week, of the three weeks of unused vacation from the current contract that expires November 1, 2019, provided, she must use the one week of vacation time prior to December 31, 2019, if she elects to do so. Council Member Earl H. Parris made a motion to adopt the current contract, with an addendum that Janice may use one week of vacation from her current contract prior to December 31, 2019. Council Member Joe Money, Jr. seconded the motion. Mayor Harvey repeated the motion stating the contract would be as is, with an extension of one week of vacation from her current contract, to be used by December 31, 2019. Council Member David Ford voted in opposition, and Mayor Pro Tem Lloyd "Buddy" Windle abstained from the vote. The motion passed 3 to 2.

PLANNING SESSION – NOVEMBER 18, 2019: Mayor Harvey stated the next item of business is to consider approving a planning session on November 18, 2019, at 5:00 p.m. Mayor Harvey explained infrastructure and long term plans would be reviewed and discussed at this meeting. Council Member Joe Money, Jr. made a motion to approve a planning session to be held on November 18, 2019. Council Member Zachary Martin seconded the motion, which carried unanimously.

PUBLIC COMMENTS: Mayor Harvey asked for public comments. No questions or concerns were addressed by visitors.

ADJOURN: Council Member Joe Money, Jr made a motion to adjourn. Council Member Earl H. Parris seconded the motion, which carried unanimously.

HARRY HARVEY – MAYOR

Attest:

ANGIE WHITE – CITY CLERK