



**CITY OF SUMMERVILLE  
REGULAR COUNCIL MEETING  
TELECONFERENCE MEETING  
JANUARY 11, 2021  
5 PM**

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

**ROLL CALL:** Mayor Harry Harvey gave roll call. Council Members David Ford, Dana W. Mosley, Kristy L. Dennis, Joe Money, Jr., and Zachary Martin were present. Also present were City Manager Janice Galloway and City Attorney Albert Palmour.

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

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Zachary Martin led the pledge of allegiance.

**AGENDA:** Mayor Harvey asked Council if any changes are needed to the meeting agenda. Mayor Harvey stated he would like to add Lamonica Nicole Watkins to the appeals panelist's names. Council Member Kristy L. Dennis motioned to approve the meeting agenda with Lamonica N. Watkins's name added to the appeals panelist. The motion was seconded by Council Member David Ford and carried unanimously.

**ANNOUNCEMENTS:** Mayor Harvey made the following announcements:

- The city is continuing work on the well site and water transmission line.
- Regular Council Meetings are held on the second Monday of the month at 5:00 p.m.
- The next Regular Meeting will be held Monday, February 8, 2021. An announcement will be made at a later date concerning the meeting format.
- The city continues to follow CDC guidelines during the pandemic.
- Work on the Chattooga County Comprehensive plan continues, and a meeting is scheduled for January 27<sup>th</sup> at 10:00 a.m.

**MAYOR'S COMMENTS:** Mayor Harvey welcomed everyone to the regular council meeting. Mayor Harvey offered online attendees the opportunity to address the Council. Mayor Harvey requested guests limit their comments to three to five minutes. IT Director Trey Goble provided information to attendees on the procedure to address the Mayor and Council. Mayor Harvey stated there would be an opportunity at the end of the meeting for questions.

**LAURA JOHNSON:** Ms. Laura Johnson stated she is attending the meeting concerning the trailer on Alred St. Mayor Harvey explained a public hearing would take place during the meeting to address concerns regarding the property on Alred St. Ms. Johnson stated she would wait until that time to speak.

**CITY MANAGER - JANICE GALLOWAY:** City Manager Janice Galloway provided the monthly financial report. City Manager Galloway reported \$849,206.45 in monthly expenses and \$1,315,700.89 in revenues. City Manager Galloway reported a balance of \$2,319,779.29 in the operating account at month-end. City Manager Galloway noted the Water Treatment Plant received a Water Fluoridation Award for 2018 and 2019.

Mayor Harvey asked if Council had any questions or concerns to address. No questions or concerns were addressed.

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**OLD BUSINESS**

**REQUEST SETBACK REDUCTIONS FOR #6 ALRED St:** Mayor Harvey stated the first item of old business is a public hearing to consider approving setback reductions for property owned by Mark Underwood, Jr., located at #6 Alred St. Mayor Harvey explained the setback reductions requested are as follows:

- Reduce the 30-foot setback from Alred Street to the mobile home to a zero setback.
- Reduce the 30-foot setback from Seventh St to the mobile home to a zero setback.
- Reduce the side yard setback from 10 feet to the mobile home to a zero setback.

**PUBLIC HEARING - OPEN:** Mayor Harvey opened the public hearing for comments, questions or concerns.

**LAURA JOHNSON:** Ms. Johnson stated she had spoken with Mr. Norton concerning the trailer at 6 Alred St, and she is not in favor of the mobile home because she does not want the trailer on her land. Ms. Johnson stated the trailer is too big, and it will take half of her land if they turn it around. Ms. Johnson said she is not interested in the free land that Mr. Norton had discussed with her, and she wants to keep her land, and she does not want anything on it. Mayor Pro Tem Zachary Martin asked Ms. Johnson if she is okay with the trailer's location as it sits now. Ms. Johnson stated, "Yes, it is okay right now because that property belongs to them, but I don't want it on my land." Mayor Pro Tem Martin asked Ms. Johnson if it is on her land now. Ms. Johnson stated, "They said it is not on my land now, but if they turn it, it will take my land." Council Member Kristy L. Dennis commented she had not heard anything about the trailer being repositioned. Code Enforcement Joey Norton explained the only option to reposition the mobile home would be if Ms. Johnson wanted to sell her lot, but Ms. Johnson is not interested in selling her lot.

**BRITTANY JONES:** Ms. Jones stated they do not wish to reposition the mobile home. Ms. Jones asked Council to keep in mind when making a decision; they did follow guidelines by getting the mobile home permit.

Mayor Harvey asked for questions or concerns from Council concerning the setback request. Council Member Joe Money, Jr. asked if Mr. Underwood was issued a mobile home permit. Code Enforcement Officer Joey Norton stated, "Yes, there was a permit issued to move a mobile home if it met the criteria." Council Member Money asked if anyone from the city looked at the property in person before the mobile home was moved. Joey stated, "Yes." Joey explained the confusion began when he looked at the lot located at Alred and Seventh's corner. There is a vacant lot with a mobile home pole on the far left of the lot, so I issued the permit, but the problem is, the pole went with the Johnson property, not the Underwood property. Joey stated he wasn't aware of that until the mobile home was moved in. Council Member Kristy L. Dennis asked Joey if he was able to read legal descriptions. Joey stated, "Yes, I look at the parcel number." Council Member Dennis interjected, explaining there is a legal description that goes with the warranty deed that provides feet, and it can be mapped. Joey explained by looking at the property and clearing; he assumed they had purchased or were purchasing the other lot. That was not the case, and it is just a single lot, and the mobile home they purchased is too big for the single lot. Joey reviewed the setbacks needed, and to meet the required setbacks from the road and Ms. Johnson's property, the owners would only have a workable 10 ft wide strip in the center of the lot. Council Member Dennis questioned if Joey was aware of the mobile home's size before moving into the city. Joey stated, "I knew it was a doublewide, I didn't have the exact dimensions at the time, but I was under the assumption both lots would be used." Council Member Dennis asked Joey if the mobile home was on both lots would it meet the criteria. Joey stated, "Correct, it would have been a 100 x 100 lot, instead of a 50 x 100."

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**PUBLIC HEARING – OPEN CONT:** Council Member Joe Money, Jr. asked Joey when a request is made to move a home into the city if he visits the property and meets with the owners. Joey explained in the past, he would meet the owners, and they would have it laid out. Joey explained in the future, it will be more stringent. The property will need to be surveyed, and setbacks marked before issuing a permit. Mayor Pro Tem Zachary Martin asked Joey if he approved the permit before realizing there were two lots. Joey stated, "Yes, sir, it was after they had set the home on the site." Council Member Dennis asked if the only solution is to move the mobile home. Joey stated, "That is the Council's decision." Joey explained it would be tight to get the required porches, landings, and steps, but that is up to the Council to decide. If they approve the zero setbacks, they could install a back porch and steps and make it work.

**LAURA JOHNSON:** Ms. Johnson told the Mayor and Council she did not have a problem with the mobile home, but she doesn't want anything on her property.

**BRITTANY JONES:** Ms. Jones noted all of her concerns had been addressed. Council Member David Ford asked if it would be a rental property or if they plan to live in the home. Ms. Jones explained, in the beginning, they planned to remodel the home for her future in-laws while their home was being remodeled, but that time has passed, and now they intend on living in the property. Ms. Jones stated they do not intend on using the front door, and they have two other entrances they plan to use.

Mayor Harvey stated he does not recommend having mobile units with zero setbacks and granting variances with zero setbacks for any lot.

Council Member Joe Money, Jr. made a motion to approve the following setbacks:

- Reduce the 30-foot setback from Alred Street to the mobile home to a zero setback.
- Reduce the 30-foot setback from Seventh St to the mobile home to a zero setback.
- Reduce the side yard setback from 10 feet to the mobile home to a zero setback.

Council Member Dana W. Mosley seconded the motion. The motion passed 4 to 1, with Council Member David Ford voting in opposition.

**SECOND READING AND ADOPTION ON THE FY 2019-2020 YEAR-END BUDGET ORDINANCE:** Mayor Harvey stated the next item of business is the second reading and adoption of the FY 2019-2020 Year-End Ordinance.

**PUBLIC HEARING – OPEN:** Mayor Harvey opened the public hearing for any questions, comments, or concerns. No one voiced concerns concerning the second reading of the FY 2019-2020 Year-End Budget.

**PUBLIC HEARING – CLOSED:** Mayor Harvey closed the public hearing.

Mayor Harvey stated a public hearing and the first reading was held on January 11, 2020, and documents were available at city hall for review. Mayor Harvey read the FY 2019-2020 Year-End Budget Ordinance. Council Member David Ford made a motion to adopt the FY 2019-2020 Year-End Budget Ordinance. Council Member Kristy L. Dennis seconded the motion, which carried unanimously. A copy of the FY 2019-2020 Year-End Budget Ordinance is attached and becomes part of these minutes.

**NEW BUSINESS**

**MINUTES:** Mayor Harvey stated the next item for business is the approval of the December meeting minutes. Council Member Joe Money, Jr. made a motion to approve the December meeting minutes. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously.

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**AUDIT PRESENTATION FROM CHRYSAN THOMAS, CPA:** Mayor Harvey requested Chrysan Thomas, C.P.A., to review the FY 2019-2020 audit. Chrysan provided an overview of the financial statement. She stated on page 16 of the audit the revenues before capital contributions were \$1,376,896, and the gas fund revenues before capital contributions were \$1,720,531.

Chrysan reported the transfers out of the water fund was \$862,951, and the transfers out of the gas fund were \$1,054,718. After these transfers, it left an increase in the net position as of June 30, 2020, in the water/sewer fund of \$987,950 and in the gas fund \$771,794, and those were the changes in the utility fund. Chrysan reported no changes in the general fund or fund balance, leaving it at \$1,466,323. The transfers in from the utility funds covered the general fund deficit. The original fund for the general fund was \$2,471,548, and the amended budget was \$2,819,242, and the final actual budget revenues was \$2,913,755.

Chrysan reported every recommendation made last year had been implemented or in the process of being implemented. Unapplied credits, aged receivables, and customer deposits are still being worked on but are in the process of being cleaned up.

The copies of the audit were not available, so Mayor Harvey asked Chrysan to speak again later.

**APPROVE PURCHASE OF GAC MEDIA CHANGEOUT:** Mayor Harvey stated the next item of business is to approve payment to Calgon Carbon, not to exceed \$55,000 for GAC media changeout, at the Water Treatment Plant. Mayor Pro Tem Zachary Martin asked how long it will be before the changeout is needed. Mayor Harvey stated, "We don't know yet. It could be three months or six months." City Manager Janice Galloway explained it is being monitored weekly by testing. Council Member David Ford made a motion to approve GAC media purchase from Calgon Carbon not to exceed \$55,000. Council Member Dana W. Mosley seconded the motion, which carried unanimously.

**FIRST READING OF THE FYE 2021 MID-YEAR BUDGET ORDINANCE:** Mayor Harvey opened a public hearing for questions or comments regarding the FYE 2021 mid-year budget.

**PUBLIC HEARING – OPEN:** Online attendees nor Council addressed any questions, comments, or concerns. Mayor Harvey noted that the budget includes some increases, including a Cares Grant, SPLOST, and other grants and loans.

**PUBLIC HEARING – CLOSED:** Mayor Harvey closed the public hearing. Mayor Harvey read the FYE 2021 Mid-Year Budget Ordinance. Mayor Harvey reported the mid-year budget is balanced with \$18,515,306.82 in revenues and expenditures. Mayor Harvey reviewed the proposed revenues and expenditures for the General Fund, Confiscated Drug Fund, Hotel/Motel Tax, Water & Sewer Fund, (2014) SPLOST, (2020) SPLOST, and Gas Fund.

**APPROVE PURCHASE OF A BREAKER HAMMER:** Mayor Harvey stated the next item of business is to approve the purchase of a breaker hammer from Yancey rents in the amount of \$28,999. Mayor Harvey explained this equipment would be used for breaking rocks while working on the water transmission line. Mayor Harvey noted three quotes had been provided. City Manager Galloway noted the second quote is for a used breaker hammer. Council Member David Ford made a motion to approve the purchase of a breaker hammer from Yancey rents in the amount of \$28,999. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

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**APPROVE PAYMENT TO WILLIAM D. PATTY CONSTRUCTION:** Mayor Harvey stated the next item of business is to approve a payment of \$9266.48 for rock, chert, and sand to Willam D. Patty Construction. Mayor Harvey asked City Manager Janice Galloway to provide more information on this item. City Manager Galloway explained it was used for the waterline and on the road to the well site. Council Member Kristy L. Dennis made a motion to approve the payment of \$9,266.48 to William D. Patty Construction for rock, chert, and sand. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously.

**APPEALS BOARD:** Mayor Harvey explained the next item of business is to approve a list of names for an appeals board. Mayor Harvey explained three people would be chosen from the list for an appeals board, and the approved list of names would be good for a three year period. Mayor Harvey reviewed the list of names the board may consist of including, Mayor and Council, Department Heads/Supervisors, Larry Allen, Amber Browning, Todd Kingsolver, Lorraine Roberts, and Nicole Watkins. Mayor Harvey noted the people chosen are either community members or business owners in the county. Council Member Dana W. Mosley stated she is not opposed to the suggested list, but she is opposed to a three-year term. I don't understand a three-year term. Mayor Harvey replied, it is, so we don't have to do this every year. Council Member Mosley pointed out a lot can change or happen in three years, the city could lose Mayors and Council Members. Mayor Harvey stated, "That is true." Mayor Harvey noted changes can always be made. By having a three-year term, you would not have to make changes every year or every time something comes up. Council Member Joe Money, Jr. asked the Mayor what type of appeals are we talking about. Mayor Harvey explained it would be for employment, or we may have some other appeal to come up, we would use this list to pull people from. Council Member Money asked if we are talking about terminations. Mayor Harvey stated, "There may be other appeals from employees or other sections." Council Member Kristy L. Dennis asked if there would be alternates as well. Mayor Harvey stated, "There would be at least fifteen people, and usually when we have a panel, there are three to five people." Council Member David Ford commented that is why you have that number of people so you can always have alternates. Mayor Harvey explained when a panel is needed; the names would be pulled from the list. Council Member Money commented he thinks the people making the decisions should be someone with Human Resource experience and not random people in the community making decisions on who is or is not terminated. It should be someone with expertise. Mayor Harvey explained on employment in particular, the appeals board would decide if proper procedures were followed. If the proper procedures were not followed, the board rules on that, they do not rule on whether the proper action was taken. Mayor Harvey asked City Attorney Albert Palmour to provide more information. City Attorney Palmour explained the personnel policy provides due process be followed, and a procedure is followed in the event of any disciplinary action against an employee. There is a phased-in process where a Supervisor makes a decision, and the employee can appeal to the City Manager, then they can appeal to the multi-member board. City Attorney Palmour stated it could consist of the Mayor, a Council Member, Supervisor inside the city, or one outside person. Those three people would make a decision if the actions taken previously were appropriate. City Attorney Palmour stated it would be possible for the board to reverse the Supervisor or Manager's decision, but they would not dictate what needs to happen. They are just rejecting what has happened up to that point. City Attorney Palmour stated since he has been City Attorney, there have only been about three appeals, and the City Attorney prosecuted those appeals. It is intended to have a due process so everyone can air out what happened and hopefully avoid EOC claims or lawsuits. A board has not been appointed because there have been no issues, so the board needs to be appointed if any issues arise.

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**APPEALS BOARD CONT:** Council Member Dennis asked if the purpose of the board is to make sure all policies were followed. City Attorney Palmour stated, "I think so, but it also is to have a personnel policy that gives input of an independent third party that is not the management of the city." Council Member Dennis asked is it to see if the punishment fits the crime. City Attorney Plamour responded, stating, it is really to air out what happened. Attorney Palmour provided an example in which he said the board could vote 2 to 1 not to approve the prior action, it would then go back to the City Manager to reevaluate, and if it's not resolved, it could go back to the board. Council Member David Ford made a motion to approve the list of panel members. The motion was seconded by Council Member Kristy L. Dennis and carried unanimously. A copy of the appeals panel is attached and becomes part of these minutes.

**EXECUTIVE SESSION:** Mayor Harvey stated an Executive Session is needed to discuss personnel, land acquisition, and possible litigation. Mayor Pro Tem Zachary Martin made a motion to close the regular meeting and enter into Executive Session. The motion was seconded by Council Member Dana W. Mosley. The regular meeting was closed at 6:15 p.m.

**EXECUTIVE SESSION –CLOSED:** Mayor Harvey closed the Executive Session at 7:25 p.m. and opened the regular meeting. Mayor Harvey announced no action was taken in the Executive Session.

**PUBLIC COMMENTS:** Mayor Harvey asked for public comments.

**ONLINE ATTENDEE:** An online attendee asked what the personnel was about, hiring, firing, or review. Mayor Harvey stated, "That was during Executive Session, and we talked about specific personnel, so we will not give that information."

City Attorney Albert Palmour addressed the personnel question, stating it was firing and review.

The online attendee asked how long did the Executive Session last. Mayor Harvey stated, "Forty-five minutes to an hour."

**ADJOURN:** With all business concluded, Council Member Joe Money, Jr. made a motion to adjourn. The motion was seconded by Council Member Dana W. Mosley and carried unanimously. The meeting was adjourned at 7:28 p.m.

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**HARRY HARVEY – MAYOR**

Attest:

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**ANGIE WHITE – CITY CLERK**