



**CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
FEBRUARY 08, 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, Joe Money, Jr., and Zachary Martin were present. Also present were City Manager Janice Galloway and City Attorney Albert Palmour. Council Member Kristy L. Dennis was absent.

INVOCATION: Mayor Harvey gave the invocation.

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

AGENDA: Mayor Harvey requested Council to review the meeting agenda and asked if any additions or deletions are needed to the meeting agenda. Council Member David Ford made a motion to approve the meeting agenda as presented with no changes requested. The motion was seconded by Council Member Joe Money, Jr., which carried unanimously.

MAYOR'S COMMENTS: Mayor Harvey welcomed both in-person guest and online attendees to the City of Summerville Regular Council Meeting. Mayor Harvey asked visitors to follow CDC guidelines while attending the meeting. Mayor Harvey asked guests to limit their comments to three to five minutes and explained they would have the opportunity to speak now and again at the end of the meeting. IT Director Trey Goble provided online attendees the procedure in which to address the Mayor and Council during the meeting.

ONLINE ATTENDEE: An online attendee asked if zoning will be discussed at a later time. Mayor Harvey stated, "Yes, a zoning item is on the agenda." Item b, under new business, concerns zoning, and everyone will have the opportunity to speak.

JOHN DENNIS: Mr. Dennis noted he would like to speak when the discussion of rezoning takes place.

JACOB CALDWELL: Mr. Caldwell explained that Judge Maddux advised him to discuss his situation with Mayor and Council concerning his Martin St. property and the problem he has with Code Enforcement Officer Joey Norton. Mr. Caldwell stated he continues to receive property violations for items in his yard, but they are actually on a trailer. Mr. Caldwell stated Mr. Norton would not talk with him when he calls. Code Enforcement Office Joey Norton stated he had not received a call from Mr. Caldwell. Joey explained he would be glad to talk with him, but he will have the police to go with him because they have made threats against him several times. Joey stated he would go by the property on Tuesday at 6:30 to speak with Mr. Caldwell concerning the situation. Mayor Harvey advised Mr. Caldwell he would still need to talk with Judge Maddux if he has a code violation. Mayor Harvey requested Joey to discuss the violation with Mr. Caldwell and how he can fix the problem.

CITY MANAGER - JANICE GALLOWAY: City Manager Janice Galloway reported monthly revenues of \$1,515,029.80 and monthly expenses of \$630,027.83. Janice noted at month-end, the balance in the operating account was 2,333,241.25, and the total balance of all city accounts was \$4,050,688.20.

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CITY MANAGER - JANICE GALLOWAY CONT: Mayor Harvey requested City Manager Galloway to provide an update on the well sites. Janice explained digging is taking place at well site #5, but they are still in clay at 220ft deep. We have a good water supply at well site #4, and it pumped 600 gallons a minute for eight days. Required testing by the EPD for PFAS and other chemicals has been conducted and sent to the lab, but it is looking good.

EXECUTIVE SESSION - OPEN: Mayor Harvey explained at this time, an Executive Session is needed to discuss land acquisition, litigation, and personnel. Council Member Joe Money, Jr. made a motion to close the regular meeting and enter into Executive Session. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously. The regular meeting was closed at 5:15 p.m.

EXECUTIVE SESSION – CLOSED: Mayor Harvey announced no action was taken during the Executive Session. Mayor Harvey closed the Executive Session at 5:50 p.m. and opened the regular meeting.

OLD BUSINESS

SECOND READING AND ADOPTION OF FYE 2021 MID-YEAR BUDGET ORDINANCE: Mayor Harvey stated the first item of old business is the second reading and adoption of the FYE 2021 mid-year budget.

PUBLIC HEARING – OPEN: Mayor Harvey opened the public hearing for questions, comments, and concerns regarding the FYE 2021 Mid-Year Budget. Mayor Harvey announced some changes had been made to the budget, and he would review the changes. Mayor Harvey reported an increase to the budget, but it is due to work on the water transmission line and the wells. Mayor Harvey asked for questions from online attendees. No one voiced questions or concerns.

PUBLIC HEARING – CLOSED: Mayor Harvey closed the public hearing. Mayor Harvey read the FYE 2021 Mid-Year Budget Ordinance. He reviewed the proposed revenue and expenditures for the general fund, confiscated drug fund, hotel/motel tax, water and sewer fund, 2014 SPLOST, 2020 SPLOST, and gas fund. Council Member David Ford made a motion to approve the FYE 2021 Mid-Year Budget. The motion was seconded by Council Member Joe Money, Jr., which carried unanimously.

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 statements. She reviewed page 16 of the audit, noting 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 were \$862,951, and the transfers out of the gas fund were \$1,054,718. After these transfers, it left an increase as of June 30, 2020, in the water/sewer fund of \$987,950 and \$771,794 in the gas fund. Chrysan reported the general fund showed a deficit of expenditures over revenues of \$1,917,669, and transfers were completed from the utility funds, and the fund balance didn't increase or decrease. It remained at \$1,466,323.

The general fund's original budget was \$2,471,548, and the amended budget was \$2,819,242, and the final actual budget revenues was \$2,913,755. Chrysan noted at the end of the fiscal year, the 2020 SPLOST Fund bank balance of \$377,000 and \$88,000 expected from the State.

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AUDIT PRESENTATION FROM CHRYSAN THOMAS, CPA CONT: 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.

NEW BUSINESS

MINUTES: Mayor Harvey stated approval is needed for the January meeting minutes. Council Member Joe Money, Jr. made a motion to approve the January meeting minutes. Council Member Dana W. Mosley seconded the motion, which carried unanimously.

REQUEST TO REZONE IRA M. AND MARY HENDERSON'S PROPERTY LOCATED AT #5 UNIVERSITY FROM RESIDENTIAL TO COMMERCIAL: Mayor Harvey stated the next item of business is to consider approving a request from Ira M. Henderson III and Mary Henderson to rezone the property located at 5 University Circle from R-1 Residential to C-1 Commercial and to remove the historical overlay so that the property can be used as an automobile repair shop.

PUBLIC HEARING – OPENED: Mayor Harvey opened the public hearing for comments or concerns regarding the request from Mr. Ira Henderson III. Mayor Harvey requested Code Enforcement Officer Joey Norton to provide information on this item. Joey explained Mr. Henderson is requesting to rezone a parcel of property located on University Circle that also fronts E. Washington St. Joey noted if the Council approves the rezoning request, it will rezone the entire parcel. Joey explained six or seven years ago, Mr. Henderson ran a business from this location, but he allowed his business license to lapse, and the property reverted back to R-1 Residential with a historic overlay. The property was Grandfathered for commercial use as long as a business license was purchased. When Mr. Henderson failed to purchase a business license within twelve months, the property reverted to R-1 Residential with a historical overlay, which does not allow that type of business per city ordinances.

IRA HENDERSON III: Mr. Henderson explained he has worked at the location in question all of his life, and his wife also had a tanning salon on the property for ten years. Mr. Henderson explained in May 2016, he talked with the previous City Manager, and he was told he could have a business license, but then he received a letter stating his business license had been denied. Mr. Henderson stated he didn't know how it was rezoned because he has continued to work and is still working at the property. Mr. Henderson noted the Chattooga County Tax Assessor page shows his property is commercial. Mr. Henderson asked how the city could say the property is residential when he has continued to work there every day.

Joey explained the Chattooga County Tax Assessor Map shows the property as C-3, but it is noted on the website it is for tax purposes only, and it has nothing to do with the city zoning map. Joey stated it is unfortunate Mr. Henderson did not have a business license for all of the years, but when he stopped buying a business license, he lost the Grandfather clause. Mr. Henderson asked how it changes when a business has been operated on the property every day. Joey stated, "If you don't obtain your business license, you forfeit that." Mr. Henderson asked what he forfeited. Mayor Harvey explained a business license was not obtained, and after a year, the license will lapse.

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Numerous neighbors and adjoining property owners were attending the meeting, in person and virtually, voicing concerns and opposition in rezoning the property from residential to commercial. Several property owners in the area stated it would be a disgrace to the current property owners to rezone the property to commercial. Residents addressed other concerns, should the property be rezoned, including increased traffic in the area, the historic feel and look of the area, and additional litter on the streets.

SHERRI: A caller identified as Sherri asked how University Circle, where the business is located, would have anything to do with E. Washington St if it is two different lots. Joey stated, "It's not." Sherri explained the entry to the business is off University Circle. The E. Washington St property doesn't have anything to do with the business other than the same person who owns it. Joey stated the map shows it to be one parcel, one piece of property. Sherri questioned how the property became one parcel when in the past, it was three separate lots. Joey stated, "Someone had it put together. That would be Mr. Henderson's right to have the property combined, and I'm not privy to who and when, but it is one piece of property now." Sherri asked if the Washington St. property was separated from the University Circle property, would it be possible to have a business on University Circle. Joey stated, "That is not up to me. That is up to the Council." As it is now, it would still be Residential 1, with a historical overlay. Sherri asked if University Circle is historical. Joey stated, "Correct, the whole area is."

Sherri questioned when the area became historical and when did Mr. Henderson start his business. Mayor Harvey interjected, stating Joey can do some research later, but the area has a historical overlay and is zoned Residential-1. Sherri asked for clarification on the tax map. Joey explained the city zoning map has nothing to do with the county tax office. Joey explained the city zoning map outlines the zoning, which is Residential-1, with a historic overlay. When the map was adopted, Mr. Henderson's property was adopted as a non-conforming use, with a grandfather clause, as long as he maintained his business license. Once he failed to purchase a business license for more than twelve months, he lost the grandfather clause, and it reverted to Residential-1 and excluded the use of the garage.

Mr. Henderson stated, "Everyone is concerned about Washington St, but my business is not on Washington St." Mr. Henderson questioned how he is supposed to renew a business license when the city refuses to issue a license. Mayor Harvey explained the entire area is an R-1 zoning area, and you can not get a business license. Mayor Harvey explained that Mr. Henderson has petitioned the Council to change his property from Residential-1 to Commercial-1. Mr. Henderson stated, "Change the garage on University Circle. I don't care about Washington St. I want my business to continue like it has."

PUBLIC HEARING – CLOSED: Mayor Harvey closed the public hearing and asked for questions from Council. Mayor Pro Tem Zachary Martin asked Mr. Henderson if he had a business license before allowing it to lapse. Mr. Henderson stated, "No, sir." Mr. Henderson explained he tried to renew his business license, but he was refused. Mayor Pro Tem Martin noted to renew the license, you would need to hold a license. Mayor Harvey asked for discussion from Council. Council Member Joe Money, Jr. stated he is against spot zoning residential neighborhoods for commercial use, especially in historic districts. Council Member Joe Money, Jr. made a motion not to rezone the property located at 5 University Circle. The motion was seconded by Council Member David Ford and carried unanimously.

ADAN PETROLEUM – ALCOHOL LICENSE: Mayor Harvey stated the next item of business is to consider approving a new alcohol license for Aidan Petroleum, Inc., located at 11161 Highway 27. Mayor Harvey asked City Clerk Angie White if background checks have been completed. City Clerk White stated, "Yes." Council Member Dana W. Mosley made a motion to approve the alcohol license for Adan Petroleum, Inc. The motion was seconded by Council Member David Ford, and carried unanimously.

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APPROVE THE SALE OF (6) HONEYWELL SCBA AIR PACKS AND MASK TO HOLLAND VOLUNTEER FIRE DEPARTMENT: Mayor Harvey stated the next item of business is to approve the sale of six Honeywell SCBA air packs with bottles and masks to Holland Volunteer Fire Department for \$6,000. Council Member David Ford made a motion to approve the sale of six Honeywell SCBA air packs to the Holland Volunteer Fire Department for \$6,000. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously.

CCR ENVIRONMENTAL – PROTECTION PLAN MONITORING: Mayor Harvey explained approval from Council is needed for protection plan monitoring at the wastewater treatment plant from CCR Environmental for \$11,780. Council Member David Ford made a motion to approve payment to CCR Environmental for \$11,780 for protection plan monitoring for the wastewater treatment plant. The motion was seconded by Council Member Joe Money, Jr., which carried unanimously.

D & G BORING, INC: Mayor Harvey stated the next item of business is to consider approving D & G Boring, Inc. to complete a road bore under Hwy 48 for the well water transmission line not to exceed \$50,000. Council Member David Ford made a motion to approve D & G Boring, Inc. to complete a road bore under Hwy 48, not to exceed \$50,000. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously.

A & S ENVIRONMENTAL: Mayor Harvey explained that approval is needed for payment to A & S Environmental for monitoring and drilling test well #3 and test well #4, in the amount of \$14,208.25. Council Member David Ford made a motion to approve payment to A & S Environmental for \$14,208.25 to monitor and drill test well #3 and test well #4. The motion was seconded by Joe Money, Jr. and carried unanimously.

HAND SERVICE COMPANY: Mayor Harvey stated the next item of business is to consider approving payment to Hand Service Company in the amount of \$96,501 for the drilling of test wells #3 and #4 in the amount of \$96,501. Council Member David Ford made a motion to approve payment to Hand Service Company in the amount of \$96,501 for the drilling of test wells #3 and #4. The motion was seconded by Council Member Joe Money, Jr., and carried unanimously.

APPROVE PAYMENT TO CARTER & SLOOPE FOR ENGINEERING SERVICES FOR THE NEW DEEP WELL NEAR GAMBLE SPRINGS: Mayor Harvey explained approval is needed for payment to Carter & Sloope in the amount of \$31,875 for engineering services for the new deep well near Gamble Springs. Mayor Harvey requested City Manager Janice Galloway to provide additional information on this item. City Manager Galloway explained a 90% plan meeting is scheduled on Wednesday for the city to review the plans. Council Member David Ford made a motion to approve payment of \$31,875 to Carter & Sloope. The motion was seconded by Council Member Dana W. Mosley, which carried unanimously.

APPROVE PAYMENT TO CARTER & SLOOPE FOR ENGINEERING SERVICES FOR THE DEEP WELL RAW WATER LINE: Mayor Harvey stated approval is needed for payment to Carter & Sloope in the amount of \$21,695 for engineering services for the deep well raw water line. Council Member Dana W. Mosley made a motion to approve payment to Carter & Sloope in the amount of \$21,695 for engineering services for the deep well raw water line. The motion was seconded by Council Member David Ford, which carried unanimously.

INSTALLATION OF GRANULAR ACTIVATED CARBON IN FILTERS FIVE AND SIX: Mayor Harvey stated the next item of business is to approve payment to Calgon Carbon for installation of Granular Activated Carbon (GAC) in filters five and six at the water treatment plant. Mayor Harvey asked City Manager Janice Galloway to provide more information on this item. City Manager Galloway explained the granular activated carbon's effectiveness in filters three and four is gradually decreasing in the amount of PFAS it is removing. By installing it in filters five and six, it would take some of the load off three and four and possibly extend the carbon's life. City Manager Galloway noted the engineers agree with the recommendation. Council Member Joe Money, Jr. made a motion to approve the payment to Calgon Carbon for installation of GAC in filters five and six at the water treatment plant in the amount of \$49,637. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously.

APPROVE PAYMENT TO WILLIAM D. PATTY CONSTRUCTION FOR DECEMBER BILLING: Mayor Harvey explained approval is needed for payment to William D. Patty Construction in the amount of \$10,160.18 for the December billing of chert, sand, and rock. City Manager Galloway explained the sand was used for bedding the new water line, and the rock and chert were used for the road into the well sites. Council Member David Ford made a motion to approve payment to William D. Patty Construction of \$10,160.18 for the December invoice. Council Member Joe Money, Jr. seconded the motion, which carried unanimously.

APPROVE PAYMENT TO WILLIAM D. PATTY CONSTRUCTION FOR JANUARY BILLING: Mayor Harvey stated approval is needed for an invoice from William D. Patty Construction for the January billing of chert, concrete, and rock. Council Member David Ford made a motion to approve payment to William D. Patty Construction in the amount of \$7,429.30. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously.

APPEALS BOARD HEARING: Mayor Harvey stated the next item of business is to approve an Appeals Board Hearing for Thursday, February 11, 2021, at 5:30 p.m. at Summerville City Hall. Mayor Harvey noted this hearing would be an open meeting and the meeting and a panel needs to be approved. Mayor Harvey recommended the following people for the Appeals Panel; Mayor Harry Harvey, Jason Greene, Water Treatment Plant Supervisor, and Ms. Lorraine Roberts. Mayor Harvey stated he would serve as the hearing officer for the meeting. Mayor Harvey asked for a discussion from Council. Mayor Pro Tem Zachary Martin asked if there would be alternates. Mayor Harvey stated, "Council Member Ford could be an alternate." Mayor Pro Tem Zachary Martin made a motion to approve the Appeals Board Meeting and the Appeals Board Panel. Council Member David Ford seconded the motion. Council Member Joe Money, Jr. and Council Member Dana W. Mosley voted in opposition. Mayor Harvey explained the vote was two to two, and in the event of a tie, the Mayor is the deciding vote. Mayor Harvey approved Thursday, February 11, 2021, as the meeting date and the recommended Appeals Panel consisting of Mayor Harry Harvey, Water Treatment Plant Supervisor, Jason Greene, and Lorriane Roberts.

PUBLIC COMMENTS: Mayor Harvey asked for public comments. Online attendees or guests addressed no comments, questions, or concerns.

ADJOURN: With all business concluded, Council Member Dana W. Mosley made a motion to adjourn. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously. The meeting was adjourned at 7:03 p.m.

HARRY HARVEY – MAYOR

ANGIE WHITE – CITY CLERK

Attest:

