



CITY OF SUMMERVILLE REGULAR COUNCIL MEETING AUGUST 9, 2021 5 PM

CALLED TO ORDER: Mayor Harvey called the regular 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. City Attorney Albert Palmour was present. City Manager Janice Galloway was absent.

INVOCATION: Mayor Harvey gave the invocation.

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

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

MAYOR'S COMMENTS: Mayor Harvey welcomed everyone to the meeting. Mayor Harvey explained everyone would be offered the opportunity to speak during the introduction of guests and visitors. Mayor Harvey announced the city has activities coming up and encouraged everyone to attend the events and support the city. Mayor Harvey noted monthly meetings are held on the second Monday of each month at 5:00 p.m. and encouraged everyone to attend.

PRESENTATION OF PLAQUE TO KRISTY L. DENNIS: Mayor Harvey announced the city would like to present former Council Member Kristy L. Dennis with a plaque showing appreciation for her service and dedication to The City of Summerville from January 2020 to June 2021. Former Council Member Dennis could not attend the presentation, so the plaque will be mailed to her.

PRESENTATION OF BROADBAND CERTIFICATE: Mayor Harvey presented the Georgia Broadband Ready Community Certificate to IT Administrator Trey Goble. Mayor Harvey explained the certificate was presented to the City of Summerville for meeting the requirements to be designated as a Broadband Ready Community. Mayor Harvey thanked Trey for all of the work he has done and the work needed in the future for the certification.

DEE WINDLE: Mayor Harvey explained Mr. Dee Windle is attending the meeting to discuss recent flooding at his home, located at 35 Union St. Dee provided photos to the Mayor and Council of the flooding that occurred at his home in June. Dee stated Summerville has a flooding problem, and we need to get on it pretty quick. Dee explained on June 20, 2021, he woke to nine inches of water in his home. Dee reviewed the photos of his home and businesses close to his property. Dee stated, "We are going to have to do something soon. We are going to have to dig town creek out. I don't know if EPA will let you, but someone has got to let us." Dee stated, "No one has come to check on us. Dee asked if anyone was going to come to see what the problem was? Mayor Harvey explained several agencies have been looking into the flooding, and Council Member Money has been instrumental in getting State, County, and Regional agencies involved. Still, we have not received a permanent solution.

PAGE 2
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
AUGUST 9, 2021

DEE WINDLE CONT: Mayor Harvey explained GEMA, FEMA, GDOT, and E911 have visited the county and meet with officials, but they told us it would be two to four months before they come up with a solution. Dee interjected, stating, "I got an answer from GEMA the day they came. They did a walk through my house, got their tape measure out. They said I had nine inches of rain in my house, but they couldn't help me unless I had eighteen inches." Dee explained he has insurance, but it doesn't cover anything. The Federal Government has to come in and designate it as a flood zone to have flood insurance, and we are not qualified as a flood zone. Dee stated I just remodeled my house last year and installed new hardwood, and after June, I will have to re-do it. Dee stated, "If I can get some help with digging these creeks out, I won't have to re-do it every year." Mayor Harvey explained there are things we can not do, and we need to have a solution. Mayor Harvey stated, "GDOT could do some things, but if it is not going to elevate the problem, then why do it." Dee stated, "I don't think GDOT has anything to do with town creek." Mayor Harvey explained there are issues with town creek that has to be considered.

Dee commented the apartments behind Rainwater Funeral Home floods often. Mayor Harvey explained one of the solutions would be to dig out town creek, but we run into other issues. We need permission from EPD and EPA, and there are only certain things they will allow us to do. Mayor Harvey stated, "One of the solutions might be to dig out town creek, but we have not heard from any of the agencies." County Government and city staff is working with EPD and EPA to see if we can clean out the creek. We have not got any solutions, but we will continue to work on a solution. Mayor Harvey stated, "We are not going to be able to clean the creek like we would like to do unless EPA and EPD agree."

HEATHER CASEY: Heather asked what do we need to do to get a creek solution. Mayor Harvey explained Terry Tinney is in contact with the different agencies. Dane Maddux asked are we being reactive or proactive. Mayor Harvey stated, "We have someone contacting them weekly. We are in constant contact with GEMA and FEMA. Heather asked what role GEMA and FEMA play in the creek solution. Mayor Harvey stated, "They have plans for what and how things need to be done."

NICHOLAS CASEY: Nicholas asked what the Council is doing to run this up the chain, getting higher legislation involved. Mayor Harvey explained State Legislature and Representatives are aware of the situation. Nicholas stated, "I feel like it should be a daily phone call. The first flood God did not allow us to lose money, but the second time we lost \$50,000 in merchandise, displays, and labor to clean it up." Nicholas read the City of Summerville Vision statement aloud. Nicholas stated, "I am in constant contact with Larry Martin, the property owner, and Property Manager Howard Gray, and he is not willing to invest any more in this town." Nicholas explained he has been leasing the property next door to DIRT since October with plans to expand, but he is not willing to invest any more money until we get a resolution. So it is going to come from someone calling daily. Nicholas stated, "I heard we are waiting on the EPA because there is a protective snail in the creek. That is absolutely insane. How do we not have a City Attorney knocking down the doors of the EPA saying we are going to protect a snail over the lively hood of homes and of businesses. There should be a lawsuit at some point to get their attention."

KEN BRUCE: Ken Bruce addressed Mayor and Council, explaining he has had the opportunity to practice law in Summerville since 1992, and he understands how discouraging it is. Ken stated, "In the most recent flood, I had \$30,000 in damages." Ken stated, "I don't want to threaten a lawsuit, and I am not going to do that. I don't do threats. If I'm going to file, I'm going to file it, and it is going to be against you guys EPD and EPA." We've got to do this if we are going to have a life." Ken noted he spoke with Senator Mullis on Friday, and he is on board to help.

PAGE 3
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
AUGUST 9, 2021

EARL PARRIS: Earl stated his building was close to being flooded. Earl thanked Terry Tinney for working on the problem. Earl stated, "If I were Mayor, I would just get in trouble and dig out your parking lot."

HEATHER CASEY: Heather stated most of the Council knows their hearts for the community and the amount of the personal money invested repeatedly to never bring home a single dime from a store that is only in place for the city. It's not for us. We are ready to expand next door, but we can't because we don't have an investor to put that money into his building in our city. We had plans to open additional stuff so that the city would be making more money, and people would have stuff to do by Christmas of this year. We had employees and bankers lined up, but not investors. When we lose \$30,000 to \$50,000 from our bottom line, we have to invest more personal money into this to replace it. At some point, we will hit a point of no return. We have been blessed to stay afloat through the losses, usually from Government loans. Heather stated we need to understand how committed the city is to the Vision Statement. That is our vision as well. Heather asked who is willing to take a stand to either dig a creek and ask for forgiveness or pay a fine or whatever the case may be. Who is willing to stand with us?

DANE MADDUX: Dane stated the cities that are thriving are standing behind their businesses. Dane stated I am about to open another business in the city, and if we are not going to get backed, I'm done putting money in the city. I'll go to another city that is ready to back me, support me, and put my businesses there.

TERRY TINNEY: Terry stated there would be a lot of issues cleaning out the creek, eighty to ninety percent of the creek is own private properties owned by the property owners. Heather Casey stated, "Tell us what we have to do." Mayor Harvey stated, "We will need to go through the proper channels and the steps we are looking at." Dee Windle stated, "We have flooded before on hard rains, but recently something is not letting the water drain." Mayor Harvey explained we don't want to dig out the creek if it will not alleviate the problem. We support our businesses and homeowners. Dane Maddux asked how? Mayor Harvey stated, "We are looking at solutions and contacting agencies, and we are waiting on them to report back. Once we know what to do, we will do it."

NICHOLAS CASEY: Nicholas explained as business owners, we want to know who is making daily phone calls. We want to see someone fighting for us to keep our businesses in the county. Mayor Harvey stated, " We have done weekly or twice a week calls to various groups." Heather stated, "Often when action is being taken, you have people that feel like there is not. It's a gap in communication. I have sent multiple emails and have no responses. When we say how are you supporting the business owners, sometimes it's just a hey, we hear you, and these are the answers we have got this week. At least we know there is progress being made. At least we know someone cares. When I send emails, and I don't get responses, I don't feel that."

HEATHER CASEY: Heather stated if there is anything we can do, we are willing to do it. We don't want to see our businesses and homes move to other places.

DEE WINDLE: Dee asked Council Member Joe Money, Jr. if he had any updates. Council Member Money explained GDOT is supposed to report back on the drainage from Third Ave to Dowdy Park. We are thinking about dredging the creek, but that may not work out after listening to Terry. We will be cleaning out the ditches. We are going to make a purchase tonight that will help with that. Council Member Money explained he would contact Pam at E911, and if she has any updates, I will post it on my page.

PAGE 4
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
AUGUST 9, 2021

Terry Tinney explained GDOT met on June 27 in the DIRT parking lot, and they are supposed to have everything they need to begin their task order to begin their study. We don't know how long that will take, and we don't know what the answer to it will be.

EARL PARRIS: Earl suggested purchasing land downstream and building a reservoir area to help move the water out of the area.

KEN BRUCE: Ken stated we are not asking for the 1.3 million the city will receive from the American Rescue Plan. We are just asking for the city to take legal steps or anything to stop this.

Mayor Harvey stated, "We care about our businesses and our citizens. It is going to take some time to get solutions. We don't want band-aids. Something can and will be done, but it is going to take time and experts to determine what needs to be done and how it needs to be done."

Council Member David Ford asked Council Member Joe Money, Jr. if Representative Eddie Lumsden had stated in a previous conversation that you could get flood insurance cheap through the Federal Government if you didn't live in a flood plain. Nicholas Casey stated, "Since the last flood, we purchased flood insurance through our business broker." Council Member Dana W. Mosley stated, "I think we need to do a better job of communicating. When people meet with FEMA, GEMA, or EPA, some type of press release needs to be made to say this is what we are doing." Nicholas stated, "I would love to see a weekly notice of what is being done." Nicholas stated unfortunately, it might come down to the Attorney sending a letter. When the lawsuit option is thrown out, that is when people start reacting. Who knows what will happen in the Fall when weather patterns change, but if the flood happens again, DIRT will be gone. We will be out of this community, we will have to close the store. Mayor Harvey stated, "We do not want that to happen. We are going to continue to work on it." Heather stated, "At some point, you have to put pressure, just like we are saying to you guys. It is no longer acceptable. At what point will we have action, or either we will take action ourselves. We are our own community, our own entity, our own government, and we have decision-making power. There are things we can do without being totally dependent upon other agencies." Cindy Rivers asked Terry if prep work could be done with property owners on the creek. Terry stated, "It is like the ditch behind Earl's and Ken's building. It is private property." City Attorney Albert Palmour asked if GDOT was conducting a Hydrology study. Terry stated, "They are studying their drainage. I don't know if they are doing one or not. City Attorney Palmour explained when you have a drainage issue, you have a hydrology study and identify the problem to see if we need to drain the creek or make it wider or deeper. If we could prove it was in the best interest of the public to open the creek up, we could get a permit from the EPD. We would have to prove we would not damage any wetlands, which we would. We would have to get the appropriate permits. If we are not on a right-of-way or legal easement, we would have to get a legal easement from the property owners, or we would have the right to use private condemnation. Nicholas asked have we started that process yet? City Attorney Palmour stated We would have to have a hydrology study to say it is in our best interest. I thought that is what GDOT was doing." If cleaning out the creek is not the solution, we wouldn't be able to get a permit to clean it out. We are trying to figure out why the water is backing up. Nicholas stated, "When I was doing construction, people would come in and say, you know this place used to flood. Most people I talked to said they hadn't seen it flood in ten, fifteen, twenty years, and now it's happened twice in the same year." Mayor Harvey stated, "Hopefully, that is what GDOT is working on, and we will be looking at solutions." Dane Maddux asked if we could get confirmation on that. Terry stated, "I will call them in the morning."

**PAGE 5
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
AUGUST 9, 2021**

CITY MANAGER: Mayor Harvey provided the financial report for July in the absence of City Manger Janice Galloway. Mayor Harvey reported a balance of \$2,178,740.85 in the operating account and 1 million in the restricted fund account.

OLD BUSINESS

AWARD WATER TREATMENT PLANT GENERATOR BID: Mayor Harvey stated the first item is to award the generator bid for the water treatment plant based on staff recommendations. Mayor Harvey requested Purchasing Agent Trey Goble to provide more information. Trey explained the staff recommended moving forward with the bid from Yancey Power Systems for a diesel generator. Mayor Harvey asked the amount of the bid. Trey stated, "66,891." Mayor Harvey asked for questions from Council. Council Member Joe Money, Jr. asked Public Works Director Terry Tinney and Water Treatment Plant Supervisor Jason Greene if they were good with the recommendation. Both answered Yes. Mayor Harvey offered the opportunity to visitor Earl Parris to asked a question concerning the generator. Mr. Parris asked Terry Tinney if the new generator would be equivalent to the previous generator. Terry stated, "It is the same as the one now." Earl asked if the current generator is the one that has been on-site for the past two to three years. Terry stated, "No." Terry explained the current generator is a loaner from Georgia Rural Water. Council Member David Ford made a motion to award the bid for a generator for the water treatment plant to Yancey Power Systems for \$66,891. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously.

NEW BUSINESS

MINUTES: Mayor Harvey stated the first item of new business is to approve the minutes from the July Meeting. Council Member Joe Money, Jr. made a motion to approve the July minutes. The motion was seconded by Council Member Dana W. Mosley and carried unanimously.

RE-APPOINTMENT OF MR. H. EUGENE MCGINNIS TO THE CITY OF SUMMERVILLE HOUSING AUTHORITY BOARD: Mayor Harvey explained the next item of business is to consider re-appointing Mr. H. Eugene McGinnis as Commissioner for the Housing Authority of the City of Summerville for a five-year term, beginning August 15, 2021, and expiring August 15, 2026. Mayor Harvey asked for a discussion from Council. No discussion was held. Council Member Dana W. Mosley made a motion to approve the re-appointment of Mr. H. Eugene McGinnis to a five-year term to the Housing Authority of the City of Summerville. The motion was seconded by Council Member David Ford and carried unanimously.

LETTER OF SUPPORT FOR CHATTOOGA COUNTY THEATER: Mayor Harvey stated the next item of business is to consider authorizing the Mayor to sign a letter of support for Chattooga County and their application to the Fox Theater Institute for a Preservation Grant for the Tooga Theater. Mayor Harvey noted there would not be a monetary commitment from the city. Mayor Pro Tem Zachary Martin made a motion to authorize the Mayor to sign a letter of support for Chattooga County and their application to the Fox Theater Institute for a Preservation Grant for the Tooga Theater. The motion was seconded by Council Member David Ford and carried unanimously.

BRAG: Mayor Harvey stated the next item of business is to consider approving the Annual Bike Ride Across Georgia (BRAG) to camp in Dowdy Park and serve alcohol to its members on Friday, September 24, 2021, from 12:00 p.m. to 9:30 p.m. Council Member David Ford made a motion to approve BRAG to camp in Dowdy Park and serve alcohol to their members on Friday, September 24, 2021. The motion was seconded by Mayor Pro Tem Zachary Martin, which carried unanimously.

REPAIR OF PLAYGROUND EQUIPMENT-DOWDY PARK: Mayor Harvey stated the next item of business is to consider approving payment of \$14,711.69 to GameTime to repair playground equipment at Dowdy Park. Mayor Harvey explained due to the repairs needed on the equipment, it would be best to have GameTime to make the repairs instead of staff. Council Member Dana W. Mosley asked if there were other bids. Purchasing Agent Trey Goble stated, "There was not." Trey explained GameTime was the original company that installed the equipment, so they were contacted to provide the best solution to refurbishing it vs. replacing it. They were able to resource any component except for one that was no longer manufactured, Trey explained. Council Member Joe Money, Jr. made a motion to approve payment of \$14,711.69 to GameTime to repair playground equipment at Dowdy Park. Council Member David Ford seconded the motion, which carried unanimously.

PORTABLE OUTDOOR AUDIO SYSTEM FOR MAIN STREET: Mayor Harvey stated the next item of business is to consider approving the purchase of a portable outdoor audio system for Main Street from Sweetwater in the amount of \$8,945.40 to be paid out of capital expenses. Council Member Joe Money, Jr. asked if a cheaper deal is available anywhere. Mayor Harvey requested Susan Locklear to provide additional information on this item. Susan explained this equipment would be suitable for a concert, and it is a smaller lightweight system that could be transported easily. In addition, this system is capable of making quality sound and would eliminate having to pay extra for a sound system if the city should host the outdoor concert series in the future. Susan explained the current sound system is heavy and bulky and requires the assistance of men to load and unload, and there are missing components. Council Member Dana W. Mosley asked how much the city typically pays for sound at an event. Susan explained it is \$1,000 or more. However, if hiring a band, it may be several hundred dollars more. Council Member David Ford made a motion to approve the purchase of a portable outdoor audio sound system from Sweetwater in the amount of \$8,945.40. Mayor Pro Tem Zachary Martin seconded the motion. The motion passed 3 to 1 with Council Member Joe Money, Jr. voting in opposition.

FERGUSON WATERWORKS-WATER TRANSMISSION LINE: Mayor Harvey stated the next item of business is to consider approving payment of \$18,079.08 to Ferguson Waterworks for four 16' valves for the water transmission line project. Mayor Harvey requested Utility Director Terry Tinney to provide more information on this item. Terry explained the valves are needed every 3000 ft, and this will be the last four needed. Council Member Joe Money, Jr. made a motion to approve the purchase of four 16' valves from Ferguson Waterworks in the amount of \$18,079.08. Council Member David Ford seconded the motion, which carried unanimously.

SCREW PRESS AUGER FOR THE INFLUENT PUMP-WASTEWATER TREATMENT PLANT: Mayor Harvey explained the next item of business is to consider purchasing a new screw press auger for the influent run down bar screen at the wastewater treatment plant from Vulcan Industries for \$27,270. If approved, the money would be paid from SPLOST. Council Member Dana W. Mosley questioned the quote and the items not included. Wastewater Treatment Plant Supervisor Chris Tuggle explained the parts that are not listed are external parts, and they will be transferred from the old auger. Chris explained the collapse of the sewer line in January 2020 contributed to the wear and tear on the current auger. Council Member David Ford made a motion to approve the purchase of a screw press auger for the influent run-down bar screen at the wastewater treatment plant. Council Member Joe Money, Jr, seconded the motion, which carried unanimously.

PAGE 7
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
AUGUST 9, 2021

2022 KENWORTH DUMP TRUCK: Mayor Harvey explained the next item of business is to consider approving the purchase of a 2022 Kenworth 4700 SF dump truck for \$156,853.11 to be used on the water transmission line construction project. Mayor Harvey requested Utility Director Terry Tinney to provide additional information on this item. Terry explained the current two dump trucks the city is using were purchased as used vehicles, and problems are starting to arise. Terry noted one of the trucks has electrical problems and suggested it might be a good time to think of selling it. Terry explained the new truck would be used to move rocks and dirt on the water transmission line project. Council Member Joe Money, Jr. asked if the purchase could be justified for the transmission line and possibly get reimbursed down the road. Terry stated, " Yes, maybe." Council Member David Ford made a motion to approve the purchase of a 2022 Kenworth Dump Truck from MHC in the amount of \$156,307.04. Council Member Dana W. Mosley seconded the motion, which carried unanimously.

JCB EXCAVATOR: Mayor Harvey stated the next item of business is to consider approving the purchase of a JCB Excavator in the amount of \$223,924 to be used on the construction of the water transmission line. Mayor Harvey explained the funds from the ARP Grant could be used for this purchase. Council Member Joe Money, Jr. asked if the city currently owns an excavator. Terry Tinney stated, "Yes." Terry explained the excavator in question is on wheels, and several different attachments can be used with it. Council Member Joe Money, Jr. asked if this piece of equipment could be used to dredge the creek. Terry stated, "Yes." Council Member Money asked how many employees could operate an excavator. Terry stated, "Seven." Council Member David Ford made a motion to approve the purchase of a JCB 110 W Excavator in the amount of \$223,924. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously.

AUTOCLAVE – WATER TREATMENT PLANT: Mayor Harvey explained the next item of business is to consider the purchase of an autoclave for the water treatment plant from MFI Medical for \$8,283.20. Water Treatment Plant operator Jason Greene explained he uses the autoclave to kill E. coli samples when testing the water. The current autoclave is eleven years old, and it will take over \$3,000 to repair it. Mayor Pro Tem Zachary Martin made a motion to approve the purchase of the autoclave for \$8,283.20. Council Member Joe Money, Jr. seconded the motion. Council Member Dana W. Mosley interjected and questioned why the bid for \$7,119.20 was not considered. Purchasing Agent Trey Goble explained it was for the Class S model, and it adds \$1,164 for the same options, but freight was not included. The motion passed unanimously to purchase the autoclave for the water treatment plant from MFI Medical for \$8,283.20

GEFA PROJECT TIME EXTENSION: Mayor Harvey stated the next item of business is to consider approving an amendment to extend the time frame for the current GEFA project. Mayor Harvey explained the interest rate or the amount of money the city is borrowing would not change. Council Member Dana W. Mosley asked how long the extension would be. Trey Goble commented he did not have the exact time of the extension available, but the main idea is GEFA wants to allow the city sufficient time to finish the freshwater wells and transmission line project. Council Member David Ford made a motion to approve the amendment to extend the time frame for the current GEFA Project. Council Member Joe Money, Jr. seconded the motion, which carried unanimously.

EXECUTIVE SESSION – OPEN: Mayor Harvey stated an Executive Session is needed to discuss possible litigation and land acquisition. Council Member Dana W. Mosley made a motion to enter into Executive Session. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously. The regular meeting was closed at 6:18 p.m.

**PAGE 8
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
AUGUST 9, 2021**

EXECUTIVE SESSION – CLOSED: Mayor Harvey closed the Executive Session and reopened the regular meeting at 6:36 p.m. Mayor Harvey announced no action was taken during the Executive Session.

PUBLIC COMMENTS: Mayor Harvey opened the meeting for public comments.

JASON ESPY: Jason asked if the walkway was reopened and if the Building Inspector had approved the repairs. Code Enforcement Officer Joey Norton stated, "That is not me. It is not a structure." Mayor Harvey stated, "It is my understanding it has been repaired." Jason asked if the receptacles in the park had been replaced after the recent flooding. Council Member David Ford stated, "They have been working on them." Jason asked if the EPD had approved the well sites. City Attorney Albert Palmour stated, "No, we haven't got a permit." Mayor Harvey noted there is a meeting scheduled for the middle of August with the Engineers. Jason asked how many feet is remaining on the transmission line. Mayor Harvey stated, "About 3000. We will have to check with Terry." Jason questioned the recent approval of equipment to complete 3000 ft. of construction. Mayor Harvey explained the equipment would be used at the well sites as well as the transmission line. City Attorney Palmour noted there are at least 3000 feet in the easement. Jason asked the current Mayor and Council if they intend to run for the upcoming November Election. Council Member Dana W. Mosley and Mayor Harry Harvey stated they plan to run. Council Member David Ford stated, "I'm just not giving straight answers."

ADJOURN: With all business concluded, Council Member Dana W. Mosley made a motion to adjourn. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously. The meeting was adjourned at 6:42 p.m.

HARRY HARVEY – MAYOR

Attest:

ANGIE WHITE – CITY CLERK