



## **CITY OF SUMMERVILLE REGULAR COUNCIL MEETING NOVEMBER 8, 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 Manager Janice Galloway and City Attorney Albert Palmour were present.

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

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

**SWEARING IN OF ELECTED OFFICIAL – 11/02/2021:** City Attorney Albert Palmour officiated the swearing-in of Rickey Hughes, Seat #3 elected in the City of Summerville Special Municipal Election on November 2, 2021. Mr. Hughes will fill the unexpired term of Kristy L. Dennis.

**AGENDA:** Mayor Harvey requested that Council review the meeting agenda. Council Member Joe Money, Jr. requested item (o) approval of the City Manager Contract be moved to after the Executive Session. With no other changes requested to the agenda, Council Member David Ford made a motion to approve the meeting agenda. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously.

**INTRODUCTION OF VISITORS:** Mayor Harvey offered the opportunity to guests to introduce themselves.

**PRESENTATION OF A \$600,000 GRANT FROM THE APPALACHIAN REGIONAL COMMISSION:** Mayor Harvey announced the city was awarded a \$600,000 grant from the Appalachian Regional Commission for the water transmission line. Mayor Harvey commented the money would not cover the entire cost of the transmission line, but it would be a good start. Mayor Harvey presented a check for \$600,000 to City Manager Janice Galloway and Finance Director Carla Rutledge.

**KEVIN GILLILAND:** Kevin addressed Mayor and Council, explaining he owns a multi-family building with a master water meter. He received a large water bill due to a leak in a toilet in one of the apartments. Kevin explained the typical monthly water bill is \$325, but this month it was over \$900. Kevin explained in the early nineties, an ordinance was passed that required a four-unit or more multi-family dwellings have a master meter, which leaves the landlord exposed. Kevin stated I am asking Council for a variance to sub-meter the building. I would purchase the meters from the city. City Attorney Albert Palmour noted there is a policy for that. If you have a tenant that moved out and didn't pay, what would be the remedy for the city to recover those monies. That is the reasoning for the policy. Kevin commented I don't have any recourse on the bill or a way to measure what unit is using water. All the information I have is going through the master meter. City Attorney Palmour stated the remedy for the city, if you allow it, would be a higher deposit. City Attorney Palmour advised Kevin his tenants would be required to pay a water deposit for each meter.

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**KEVIN GILLILAND CONT:** Council Member Joe Money, Jr. asked City Clerk Angie White at what point do we disconnect. City Clerk White stated, "It is twenty days from the original due date, and on the twenty-first day, it is disconnected." Mayor Pro Tem Zachary Martin asked if the building had city gas. Kevin stated, "In this particular building, there is no gas." Mayor Harvey explained we can look at this and the Ordinance. Mayor Harvey stated the city would become liable for the people that don't pay. I don't think we need to give an answer tonight. We need to look at the advantages and disadvantages to both the city and to you. Mayor Harvey requested City Manager Galloway speak with Kevin at a later time concerning the issue. City Attorney Palmour stated it would not be a zoning variance; it would just be a new policy.

**CITY MANAGER:** City Manager Janice Galloway reported \$1,364,756.91 in revenues, \$1,031,696.50 in expenditures, and an operating account balance of \$2,482,167.68 for the month of October.

Council Member Joe Money, Jr. asked City Manager Janice Galloway if there had been any updates from the Hydrology study and flooding issues. City Manager Galloway stated, "DOT will have their study ready in January, and the group the City hired has completed their survey, and they are working on their survey now." Council Member Dana W. Mosley asked if any information had been received from EPD. City Manager Galloway stated, "No." Council Member Money asked City Attorney Albert Palmour for an update on dredging the creek. City Attorney Palmour stated, "We were considering once we had the studies back going to Cartersville and getting a permit to dredge town creek, from Dowdy Park to the river." City Attorney Palmour explained historically, people thought dredging the creek would help alleviate the volume of water that was able to leave, but before we asked for that permit, it was thought we would have a study to determine if it would help.

**OLD BUSINESS**

**AWARD RIGHT OF WAY MOWING BID:** Mayor Harvey explained the first item of old business is to consider awarding the right-of-way mowing bid of \$12,000 to sole bidder Tim Westbrooks. Council Member Rickey Hughes asked if that was comparable to bids in the past. City Clerk Angie White responded, "Last year, it was around \$9,000." Council Member Joe Money, Jr. asked if Mr. Westbrooks had ever done work for the city before. City Clerk White stated, "He had the bid several years ago. He didn't have it last year." Mayor Harvey asked for the staff's recommendation. City Manager Janice Galloway stated, "Tim Westbrooks." Council Member David Ford made a motion to award the right-of-way bid mowing to Tim Westbrooks for \$12,000. The motion was seconded by Council Member Dana W. Mosley and carried unanimously.

**NEW BUSINESS**

**MINUTES:** Mayor Harvey stated the first item of business is to approve the minutes from the October 11, 2021 meeting. Council Member David Ford made a motion to approve the October minutes. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

**L. ROUNSAVILLE-SUMMERVILLE DOWNTOWN DEVELOPMENT AUTHORITY:** Mayor Harvey stated the next item of business is to consider approving L. Rounsaville as a Summerville Downtown Development Authority Member for a two-year term. Council Member Dana W. Mosley made a motion to approve the appointment of L. Rounsaville to the Summerville Downtown Development Authority for a two-year term. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously. L. Rounsaville thanked Mayor and Council for the opportunity to serve.

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**OATH OF OFFICE - L. ROUNSAVILLE:** Mayor Harvey administered the Downtown Development Authority Oath of Office to L. Rounsaville.

**CARLA RUTLEDGE-SUMMERVILLE DOWNTOWN DEVELOPMENT AUTHORITY:** Mayor Harvey stated the next item of business is to consider approving Carla Rutledge as the City of Summerville appointee for the remaining four years of a six-year term to the Summerville Downtown Development Authority. Council Member David Ford made a motion to approve Carla Rutledge as a Downtown Development Authority Board Member for a four-year term. Council Member Joe Money, Jr. seconded the motion, which carried unanimously.

**OATH OF OFFICE – CARLA RUTLEDGE:** Mayor Harvey administered the Downtown Development Authority Oath of Office to Carla Rutledge.

**PUBLIC HEARING - REGARDING THE TRANSFER OF CERTAIN REAL PROPERTY TO THE CITY OF SUMMERVILLE BY CHATTOOGA COUNTY:** Mayor Harvey announced a public hearing is needed regarding the transfer of property from Chattooga County to the City of Summerville. Mayor Harvey requested City Attorney Albert Palmour provide more information on this item. City Attorney Palmour explained Chattooga County has offered some property to the City of Summerville in exchange for a sewer credit on the Chattooga County jail account. Since this would be an intergovernmental transfer of services, it requires a public hearing. City Attorney Palmour stated we would accept the acreage for approximately \$20,000. City Manager Janice Galloway noted it is approximately three acres.

**OPEN PUBLIC HEARING:** Mayor Harvey opened the public hearing regarding the transfer of real property from Chattooga County to the City of Summerville. Mayor Harvey explained the property is approximately three acres and is located across from the Chattooga County Library. In lieu of cash, the city will exchange credit for sewer utilities for the Chattooga County Jail for approximately \$20,000 over three years.

Jason Espy with The Summerville News asked if the property is located inside the city limits. Mayor Harvey stated, "Yes." City Attorney Palmour noted it is the undeveloped portion of land by the library. The potential proposed use is possibly relocating the fire department or another city service. It has all city utilities. Jason asked if the plan was to relocate the fire department. Mayor Harvey stated, "Yes, that will be something we look at in the future." Jason asked if the County would deed over the property to the city in lieu of the \$20,000? Mayor Harvey stated, "Yes, for the utilities at the jail." Mayor Harvey asked Council for questions or concerns. Council Member Joe Money, Jr. commented he appreciated the Commissioner's good gesture and was willing to do this.

**PUBLIC HEARING-CLOSED:** Mayor Harvey closed the public hearing. Council Member David Ford made a motion to approve the transfer of property from Chattooga County to the City of Summerville. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

**PUBLIC HEARING-HANCOCK TIMBERLAND VIII - OPEN:** Mayor Harvey stated the next item of business is a public hearing concerning the purchase of real property from Hancock Timberland VIII and its development into a public water system. Mayor Harvey opened the public hearing. City Attorney Albert Palmour explained the city has an application for a one million dollar grant for the water well system, and a public hearing is required. The city has purchased three well sites from Hancock Timberland, and depending on the development, we may or may not use all three. In addition to the well sites, a right-of-way has been purchased to Highway 48. Also, a permit has been secured from DOT to run the transmission line from the well sites to the intersection of Hwy 48 and Filter Plant Rd. Mayor Harvey asked for comments or questions. Council Member Joe Money, Jr. asked if this would be the last land purchase for the wells. City

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**PUBLIC HEARING-HANCOCK TIMBERLAND VIII – OPEN CONT:** Mayor Harvey asked for comments or questions. Council Member Joe Money, Jr. asked if this would be the last land purchase for the wells. City Attorney Palmour explained we have inquired about purchasing other properties if we saw fit, it is still an open discussion, but there are no current plans to purchase other properties.

**PUBLIC HEARING – HANCOCK TIMBERLAND VIII CLOSED:** Mayor Harvey asked for discussion from Council. Council Member Dana W. Mosley asked what the purchase price was. Mayor Harvey stated, "About \$50,000."

**PUBLIC HEARING-UNOPENED HEMLOCK ST, CHERRY ST, AND ELM ST - OPEN:** Mayor Harvey stated the next item of business is to hold a public hearing regarding portions of unopened Hemlock St Cherry St, and Elm St. to Archibald A. Farrar Jr. and Nell W. Farrar. Mayor Harvey opened the public hearing.

City Attorney Albert Palmour explained he had received two objections from adjacent property owners. Council Member Rickey Hughes questioned who had possession of the property. Mayor Harvey stated, "It is the city's property, and it is roadways." City Attorney Palmour interjected, stating that on October 15, an objection was received from an adjacent property owner on Cherry St. Mayor Harvey commented that the gas and street departments need to see how it would affect city streets and future use. City Attorney Palmour explained to convey an alleyway or an un-opened street, it would be split down the middle. It would need to be determined if it was needed for a public purpose or if it had existing utilities. You would not want to convey the unopened streets. If it did not have a public purpose, it would be split and be given to each side. A request had been made to convey all of the property on two streets to Mr. Farrar, but looking at the map, three of four property owners would be affected if you conveyed the property to one property owner. Mayor Harvey asked for any questions or concerns. No questions or concerns were addressed.

**PUBLIC HEARING-UNOPENED HEMLOCK ST, CHERRY ST, AND ELM ST - CLOSED:** Mayor Harvey closed the public hearing. Council Member Joe Money, Jr. asked if there would be one or two public hearings. City Attorney Albert Palmour stated, "One." City Attorney Palmour explained it could be put on a subsequent council meeting later if needed. Council Member David Ford commented, dividing it up would be the fair thing to do. Council Member Joe Money, Jr. commented he would like to look at the property. Council Member David Ford made a motion to table the item. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

**OPEN SEALED BIDS FOR SURPLUS PROPERTY:** Mayor Harvey stated the next item of business is to open sealed bids for City of Summerville surplus property. Mayor Harvey requested City Attorney Albert Palmour to open the sealed bids. City Manager Janice Galloway reported the city has seven or eight lots for sale, and only one bid was submitted. City Attorney Palmour announced a sealed bid was submitted for the property located at 810 Highland Ave, Summerville, Ga., in the amount of \$9,350 from Harry Harvey and Annie B. Harvey. Mayor Pro Tem Zachary Martin asked for a motion to accept the bid from Harry Harvey and Annie B. Harvey for 810 Highland Ave. Council Member David Ford made a motion to accept the bid in the amount of \$9,350 from Harry Harvey and Annie B. Harvey for 810 Highland Ave. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

**111 ALLEN ST-THOMAS AND SAVANNAH PLEDGER:** Mayor Harvey explained the next item of business is to consider approving a request from Thomas and Savannah Pledger to reduce their rear setback from twenty ft to zero ft at 111 Allen St. Mayor Harvey asked if a public hearing was necessary. City Attorney Albert Palmour explained a public hearing would probably be necessary later.

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**111 ALLEN ST-THOMAS AND SAVANNAH PLEDGER CONT:** City Attorney Palmour explained the Pledgers had a survey completed, and it was determined there is a 10 ft alleyway. Code Enforcement Joey Norton commented it is not on the map. City Attorney Palmour explained the adjacent property owners do not have objections, but any interest the city has in the alleyway would need to be conveyed to Mrs. Pledger and Mr. White. At that time, Mr. White could, if he chooses can convey his portion to Mrs. Pledger. Code Enforcement Officer Joey Norton explained a structure had been erected without permits, and a stop-work order was issued. In the process of obtaining permits, it was determined the setbacks are twenty feet. The house was originally built to close to the line. A variance is needed to keep the rear deck and pergola over the deck. Joey stated when a survey was conducted, the alleyway was discovered. City Attorney Palmour explained the variance could be granted for zero setbacks, but there may be an issue with the alleyway. Mayor Harvey asked if the city would be conveying the alleyway and does it need to be conveyed before granting the variance. City Attorney Palmour explained that if a variance is granted and it turns out to be a city alleyway and the city decides not to convey it, five feet of her structure would need to be removed. City Attorney Albert Plamour explained Mrs. Pledger had an ordinance violation due to the contractors not obtaining the proper permits, but the contractor wanted to be responsible if any alterations are needed to be made to the structure. City Attorney Palmour explained a variance could be granted for a zero setback, but she can come back to the next Council meeting. At that time, Mrs. Pledger and Mr. White will request the city to convey the alleyway if it is a city alleyway. Mayor Harvey asked should we not convey the alleyway before granting the variance. City Attorney Palmour stated, "If you did, we would have to readvertise, and she would have to redo her application for a variance." Council Member Joe Money, Jr. asked when did we find out about the alleyway? Code Enforcement Officer Joey Norton stated, "When they did the survey." A discussion was held between Council Members, Joey, City Attorney Palmour, and Mrs. Pledger concerning the alley, location, and other neighbors that it would affect. Mayor Harvey stated, "At the very least if we grant this, she needs to come back and ask to convey the property. So we don't have an issue in five or ten years." Mayor Harvey commented I still think we are doing it backwards, but our Attorney says we can do it this way. City Attorney Palmour stated, "You can grant her the variance for a zero setback and defer any decision on the alleyway." Council Member David Ford made a motion to approve the variance to reduce the rear setback from twenty feet to zero ft at 111 Allen Street. The motion was seconded by Council Member Rickey Hughes and carried unanimously.

**R & W CONTRACTORS:** Mayor Harvey stated the next item of business is to consider approving payment of \$8,985 to R & W Contractors to rebuild the high service motor 4B at the water treatment plant. Council Member Joe Money, Jr. made a motion to approve payment of \$8,985 to R & W Contractors. Council Member David Ford seconded the motion, which carried unanimously.

**FAIRWAY BASKETBALL COURT:** Mayor Harvey stated the next item of business is to discuss naming the Fairway basketball court after Senorise Perry. Council Member Rickey Hughes explained Senorise is a hardworking young man from Chattooga County. He was a graduate of Chattooga High School and later graduated from Louisville. He has a successful career in the National Football League and is the only young man to hold these achievements from the County. As his career is coming to an end, he is beginning to mentor young people and help them make something of themselves. Rickey explained that since Fairway courts are being refurbished, it would be a good time to honor Senorise by naming the court after him. Council Member David Ford commented, once the court is completed it, dedicate it and get a plaque. Council Member Money and Mosley agreed.

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**FAIRWAY BASKETBALL COURT CONT:** Mayor Pro Tem Zachary Martin asked are we still developing the multi-purpose fields? Mayor Harvey stated, "We are still working on those." Council Member Rickey Hughes made a motion to name the court after Senorise Perry and hold a reception once the court is completed. The motion was seconded by Council Member David Ford and carried unanimously.

**2021 CHRISTMAS BONUS:** Mayor Harvey stated the next item of business is to consider approving a \$325 Christmas bonus for full-time employees and a \$100 bonus for part-time employees. Mayor Harvey noted this expense is in the budget. Mayor Harvey asked for discussion from the Council. Council Member Joe Money, Jr. stated, "I think we should. We have good employees, and they've had a challenging two years with covid, short-handedness, and the imbalance of schedule. We are blessed to have the staff we have, and it is just a small gesture." Council Member Mosley and Hughes concurred with Council Member Money. Council Member David Ford made a motion to approve a Christmas bonus of \$325 for full-time employees and \$100 for part-time employees. The motion was seconded by Council Member Dana W. Mosley and carried unanimously.

**CITY EVENTS:** Mayor Harvey stated the next item of business is to approve the following City events:

- Employee Appreciation Dinner –Tuesday, November 9, 2021, at 2 p.m. at the Summerville Recreation Department.
- Employee Christmas Dinner – Thursday, December 2, 2021 at 2 p.m. at Dewey Hoskins Gym
- Christmas Parade – Friday, December 3, 2021, at 7 p.m.
- Christmas in the Park – Friday, December 10, 2021 from 6-9 p.m.
- City of Summerville facilities will be closed on December 23 and December 24, in observance of the Christmas Holidays.
- City of Summerville facilities will be closed on Friday, December 31, in observance of the New Year Holiday.

City Manager Janice Galloway reviewed the list of events. Council Member Dana W. Mosley made a motion to approve the list of upcoming City events. The motion was seconded by Council Member David Ford and carried unanimously.

**EXECUTIVE SESSION - OPEN:** Mayor Harvey stated an Executive Session is needed to discuss personnel and possible litigation. Council Member Dana W. Mosley made a motion to enter into Executive Session. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously. The regular meeting was closed at 6:23 p.m.

Council Member Dana W. Mosley requested a five-minute break before the Executive Session.

**EXECUTIVE SESSION – CLOSED:** Mayor Harvey closed the Executive Session and re-opened the regular meeting. Mayor Harvey reported no action was taken in Executive Session.

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**CITY MANAGER CONTRACT:** Mayor Harvey stated the next item of business is to approve the City Manager contract effective November 1, 2021. Mayor Harvey noted it is a one-year contract and will remain in effect until November 1, 2022. Mayor Harvey reported the salary would be \$83,435 per year, and the City Manager will receive four weeks of sick leave annually. Mayor Harvey asked for a discussion from Council. Council Member David Ford made a motion to approve the City Manager contract. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously.

**PUBLIC COMMENTS:** Mayor Harvey asked for questions, comments, or concerns from guests. No issues were addressed.

**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.

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**HARRY HARVEY – MAYOR**

Attest:

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**ANGIE WHITE – CITY CLERK**