



CITY OF SUMMERVILLE REGULAR COUNCIL MEETING MARCH 14, 2022 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, Rickey Hughes, Joe Money, Jr., and Zachary Martin were present. City Manager Janice Galloway and City Attorney Albert Palmour were also present.

INVOCATION: Mayor Harvey gave the invocation.

PLEDGE OF ALLEGIANCE: Council Member Rickey Hughes led the pledge of allegiance.

AGENDA: Mayor Harvey requested that Council review the meeting agenda. Mayor Harvey asked if any additions or deletions to the agenda were needed. With no addition or deletions 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.

MAYORS COMMENTS: Mayor Harvey welcomed visitors to the meeting. Mayor Harvey requested visitors provide their names and the reason they are attending the meeting. In addition, Mayor Harvey requested visitors limit their comments to three to five minutes.

CHARLES LUTIN: Dr. Charles Lutin addressed Mayor and Council, explaining he is a candidate for the 14th District House of Representatives. Dr. Lutin explained the race will draw a lot of attention around the country. Dr. Lutin stated he has enjoyed visiting Summerville, and it is a beautiful city.

DREW HAMILTON: Drew addressed Mayor and Council, requesting a change to the alcohol ordinance. Drew explained he would like to open a cigar bar in Summerville, which would also sell beer and wine, but it would require a change in the alcohol ordinance. Mayor Harvey thanked Drew for attending the meeting. Mayor Harvey stated we can look at that and suggested Drew speak with the City Manager and the City Attorney to see what changes would need to take place.

ANNOUNCEMENTS: Mayor Harvey gave the following announcements:

- March and April events are forthcoming.
- Another Council Meeting is possible to finalize the mid-year budget.
- The next Regular Council Meeting will be held on April 11, 2022.
- Chattooga County Riverfest will be held at the end of April.
- Please continue to follow CDC guidelines during the pandemic.

CITY MANAGER: Mayor Harvey requested City Manager Janice Galloway to provide the monthly financial report. City Manager Galloway reported expenses of \$1,335,246.07 and \$2,206,952.72 in revenues. City Manager Galloway provided a balance in the operating account as \$3,569,951.47.

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OLD BUSINESS

DISCUSS ALCOHOL ORDINANCE: Mayor Harvey stated the first item of old business is to discuss the alcohol ordinance. Mayor Harvey explained changes are needed to the current alcohol ordinance to allow package sales of distilled spirits. Mayor Harvey asked for input from the Council. Council Member Rickey Hughes stated he would like to discuss the possibility of establishing an entertainment zone downtown which would require a change in the alcohol ordinance. Mayor Harvey asked if there was anything, in particular, to discuss about the entertainment zone. Council Member Hughes explained the ordinance would need to be amended to allow open container in a defined area downtown. Mayor Harvey suggested the agenda item should have been worded a little differently to reflect the discussion was for package sales of distilled spirits. Mayor Harvey explained discussion is needed from the Council concerning amending the alcohol ordinance to allow package sales of distilled spirits. City Attorney Albert Palmour stated he needed direction from Mayor and Council on the recommended lottery system, zoning, size requirements, building requirements, and inventory requirements. Mayor Harvey stated those items are included in the proposed ordinance, but some wording needs to be changed, and we need to make sure we have those cleared up and be sure they are stated the way we want. City Attorney Palmour asked for feedback from Council on any particular concerns and how he could address them. Council Member Dana W. Mosley stated, "I am not personally for a lottery. We may only have two, but I am not for a lottery if three applies." Council Member Mosley explained she would like to see the building size requirement reduced and the inventory limit lowered. Council Member Mosley commented if the ordinance does not have a brick and mortar requirement, I would like to see that included. City Attorney Palmour stated, "No, there was no specific brick and mortar, but I suggest you put that in there." Council Member Joe Money, Jr. expressed concerns about the proposed lottery system, indicating a long-standing business may get left out, and someone new may be chosen. Council Member Mosley agreed with Council Member Money. Mayor Harvey noted that some other items need to be changed. Mayor Harvey encouraged Council to read the model ordinance. City Attorney Palmour asked if Council would like him to make an alternative to the lottery system? Mayor Harvey stated, "Yes. I like the lottery system. I think the lottery system will be the best, but Council needs to look at it." Mayor Harvey explained there are pros and cons to each. Whichever we choose, we will have to set up how we will do it, and it should be done fairly and equitably. City Attorney Palmour discussed the options for building requirements, architectural requirements, lighting, access, and video requirements that can be included in the ordinance. Mayor Harvey offered the opportunity to visitors to ask questions concerning the ordinance. No concerns were addressed.

UTILITY AID REQUEST: Mayor Harvey announced the next item of business is to discuss a utility aid request from GDOT for the relocation of water & gas lines on Hwy 48 due to bridge widening. Mayor Harvey explained that the city would be responsible for \$342,727, which is 70% of the cost, and GDOT will pay the remaining 30% of \$146,883. Mayor Harvey noted that once the water & gas lines are moved, they will still be on the GDOT right-of-way. Mayor Harvey asked for a discussion. Council Member Joe Money, Jr. asked how the city would pay for relocating the lines. City Manager Janice Galloway stated, "We are putting money aside each month to take care of some projects." Council Member Money asked Terry how much it would cost if city employees moved the waterline and hired someone to move the gas lines. Terry stated, "I think if we hire our own contractors and do it in-house, it will be less than \$200,000."

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UTILITY AID REQUEST CONT: Council Member Rickey Hughes asked if we would have the option to do it ourselves? Terry stated, "We would have the option to move it ourselves, correct." City Manager Galloway asked if these costs would be GDOT moving the lines. Terry explained that GDOT would bid the project, and the contractor awarded would sub-contract the utility relocation project. The awarded contractor would have to be approved by the city's Operator Qualification Plan. If we hired our own contractor, it would come in less than \$200,000. Mayor Harvey stated I don't know if they will give us \$146,000. Mayor Harvey recommended approving the item and having City Manager Galloway and Terry Tinney continue to work on this. Council Member asked if this figure was just for moving the gas and water lines. Mayor Harvey stated, "Yes." Mayor Harvey asked Terry if the water and gas lines have to be moved. Terry stated, "Yes, we have to move it approximately 40 ft to the south." Council Member Rickey Hughes asked if we don't approve this, what happens? City Manager Janice Galloway stated, "We will not get any aid from GDOT." Terry stated if we don't approve it, we will have to move it ourselves. City Manager Galloway commented it is a 4-inch high-pressure gas line. Terry explained the relocation of the gas line will have to be contracted out either way. It is already out for bid. Terry stated that it will have to be moved either way we go. Council Member Joe Money, Jr. made a motion to approve the utility aid request to relocate the water and gas lines on Hwy 48. Council Member David Ford seconded the motion. The motion passed 3 to 2, with Council Member Dana W. Mosley and Council Member Rickey Hughes voting in opposition.

NEW BUSINESS

MINUTES: Mayor Harvey stated the next item of business is to approve the minutes from the previous council meeting. Council Member Dana W. Mosely made a motion to approve the meeting minutes. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously.

PRESENTATION FROM THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA): Mayor Harvey requested DDA members to provide their presentation. President Barry Hurley provided handouts to Mayor and Council. Barry discussed having an assessment completed for Summerville. Barry explained the DDA is requesting support from the City of Summerville if they have a Strategic Assessment completed. If the city agrees, the DDA will pay \$8,000 for the phase one strategic assessment, with the City of Summerville agreeing to pay an additional \$20,000 for phase two of the strategic plan. Heather Casey explained Albert Hodge would complete phase one of the strategic assessment, which would include interviews, research points in town to talk with visitors/residents, and then an assessment would be performed on how the DDA should move forward and the concerns that would prohibit the DDA from being successful. Then, if the DDA decides to move forward to the planning phase, Mr. Hodge will develop a strategic plan, which is when the \$20,000 would be needed from the City of Summerville. Heather explained the DDA is asking for the Council to fund the \$20,000 for the strategic plan if the DDA moves forward with the strategic assessment and pays the \$8,000. Council Member Dana W. Mosley asked if the county would be interested in the Strategic Plan and if they would be interested in paying half. Heater stated, "I don't know about half because there would be so much focus on the downtown area, but I know there has already been an agreement in the \$5,000 for the that additional joint community." Council Member David Ford asked about the other communities in the county. Heather stated, "That could definitely be considered." Barry commented we could talk to those communities, but our sole focus is the downtown area in the City of Summerville.

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PRESENTATION FROM THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

CONT: City Attorney Albert Palmour asked how much money the DDA currently has. Barry stated, "About \$24,000." City Attorney Palmour asked how much did the DDA start with? Barry stated, "\$30,000." City Attorney Palmour asked if it came out of the old DDA. Barry stated, "No, it is funds the city has given to this group." Council Member Joe Money, Jr. asked where would the old funds be. Main Street Director Susan Locklear commented when Main Street had it, we were only allotted \$1,500 a year. City Attorney Palmour explained the DDA has the ability to work with banks and property owners to issue tax-free bonds, which allows people to make loans on their property and develop it at a more favorable interest rate. Mayor Harvey questioned the customary and relevant expenses that may be added that are noted in the proposal. Heather stated, "With him, it would be gas because he lives close enough he would not need a hotel." Mayor Harvey asked if once the Strategic Assessment is completed, the at that time the DDA would review it to see if a Strategic Plan needs to be done. Barry stated, "Exactly." Council Member Ford asked if the \$20,000 is based on the size of the community. Barry stated, "I think it is just his time." DDA Board Member Barry Hurley stated, "We just want affirmation the city thinks it would be a positive thing to conduct the assessment." Council Member Rickey Hughes and Council Member Dana W. Mosley stated, "We are good with it." A copy of the proposal is attached and becomes part of the minutes.

OUTDOOR RUNWAY SHOW: Mayor Harvey stated the next item of business is to consider approving Rachel Groce to hold an outdoor runway show on E. Washington St, on Friday, May 6, 2022, to benefit the Diane Marie Jones Memorial Scholarship Fund. Mayor Harvey requested Mrs. Groce to provide additional information concerning this item. Rachel explained she is looking for Council approval to have the show again this year. Mayor Pro Tem Zachary Martin asked if this would be held in the same place as last year. Rachel stated, "Yes, sir." Mayor Harvey asked what time the event would take place. Rachel stated, "Eight p.m. in the evening." Council Member Rickey Hughes made a motion to approve the outdoor runway show on E. Washington st. The motion was seconded by Council Member Dana W. Mosley and carried unanimously.

SIGN REQUEST-JEFFERSON'S: Mayor Harvey stated the next item of business is to consider approving a request from Todd Kingsolver for a new sign at Jefferson's located at 10096 Commerce St. Mayor Harvey offered the opportunity to Todd to provide additional information. Todd explained he had spoken with Joey Norton concerning the request, and Joey had no issues with the request. Todd explained it would be a one-day project and may require blocking off several parking spaces for the installation. Council Member Rickey Hughes made a motion to approve the sign request for Jefferson's. The motion was seconded by Council Member David Ford and carried unanimously.

FIRST READING-FY 2021-2022 MID-YEAR BUDGET ORDINANCE: Mayor Harvey stated the first item of business is the first reading of the FY 2021-2022 Mid-Year Budget Ordinance.

PUBLIC HEARING - OPEN: Mayor Harvey opened a public hearing for questions, comments, or concerns regarding the FY 2021-2022 Mid-year Budget Ordinance. No concerns were addressed. Council Member Joe Money, Jr. stated, "It looks good."

PUBLIC HEARING – CLOSED: Mayor Harvey closed the public hearing and read the mid-year budget ordinance. Mayor Harvey reported \$20,847,693.38 in proposed revenues and expenditures. Mayor Harvey requested Finance Director Carla Rutledge to advertise the second reading of the mid-year budget ordinance for Monday, March 28, 2022.

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122 CHURCH STREET: Mayor Harvey announced the next item of business is to consider approving a request to reduce the front setback from 30ft to 15ft and the rear setback from 20ft to 5ft for Mr. Avery at 122 Church St. Mayor Harvey requested Code Enforcement Officer Joey Norton to provide additional information. Joey explained a single mobile home was located on the lot, but the home burned. Mr. Avery wants to replace it with a doublewide on the lot, but that will require a setback reduction. Joey explained it has been advertised in the paper, and it is surrounded by family land. City Attorney Albert Palmour explained it is zoned R-2, which requires approval from the Board of Zoning and Appeals. Therefore, the request would be a variance for zoning and a change in setbacks. Council Member David Ford made a motion to approve the reduction in the setback for 122 Church St. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously.

MUNICIPAL GAS AUTHORITY OF GEORGIA VOTING DELEGATE: Mayor Harvey stated the next item of business is to approve Terry Tinney as the 2022 voting delegate on the Municipal Gas Authority of Georgia's Election Committee and Butch Cordle as an alternate. Council Member Joe Money, Jr. made a motion to approve Terry Tinney as the 2022 voting delegate on the Municipal Gas Authority of Georgia's Election Committee and Butch Cordle as an alternate. Council Member Dana W. Mosley seconded the motion, which carried unanimously.

POWER PLUS ELECTRICAL: Mayor Harvey stated the next item of business is to approve payment of \$6,200 to Power Plus Electrical for breaker panel change out and pull new wire at the wastewater treatment plant maintenance shop. Council Member Joe Money, Jr. made a motion to approve payment of \$6,200 to Power Plus. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously.

ENERGY SYSTEMS SOUTHEAST: Mayor Harvey announced the next item of business is to consider approving the payment of \$25,637.89 to Energy Systems Southeast to repair the wastewater treatment plant generator. Council Member Joe Money, Jr. made a motion to approve payment to Energy Systems Southeast to repair the wastewater treatment plant generator. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously.

CLOSURE OF TWO RAILWAY CROSSINGS: Mayor Harvey stated the next item of business is to consider approving the closure of two existing at-grade railway crossings for the Summerville Bypass. The City of Summerville staff recommends closing the S. Penn St and Jones St crossings. Police Chief Harold Tucker explained after discussion with the City Manager and Public Works Director Terry Tinney, we agreed this would be the best. Council Member David Ford made a motion to approve closing the S. Penn St and Jones St railway crossings. Council Member Dana W. Mosley seconded the motion, which carried unanimously.

APPEALS BOARD FOR CODE ENFORCEMENT APPEALS: Mayor Harvey stated the next item of business is to approve the Mayor and Council as the Appeals Board for Code Enforcement Appeals. Mayor Harvey stated this is in the Charter, but I want to be sure everyone understands that if there is an appeal, it will come back to the Council. Mayor Harvey explained recommendations come from the Mayor, and Council has to approve the board. Mayor Harvey noted we have been doing appeals before. City Attorney Albert Palmour asked if a quorum of the Council would be required to operate as the appeals board or any three members? Mayor Harvey stated, "Yes." City Attorney Palmour asked if you have any three members can you have the appeals board? Mayor Harvey stated, "Yes." Council Member David Ford made a motion to approve Mayor and Council as the Code Enforcement Appeals Board. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

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ANNUAL FOURTH OF JULY CELEBRATION: Mayor Harvey stated the next item of business is to discuss and set a date for the annual Fourth of July Celebration. City Manager Janice Galloway explained Parker Systems could shoot the fireworks on Monday, July 4th. Council Member Joe Money, Jr. asked if staff would be able to accommodate? Council Member Dana W. Mosley asked if there was another day Parker would be available? Terry Tinney stated, "He was asked about July 2nd, but he couldn't do July 2nd." City Manager Galloway explained that the employees were required to work at least four hours in the past. Council Member Rickey Hughes asked can we take volunteers. City Manager Galloway stated, "You would not have volunteers." Mayor Pro Tem Zachary Martin asked if Parker would be available on Friday, July 1st. Council Member Joe Money, Jr. made a motion to hold the Annual Fourth of July Celebration on Monday, July 4, 2022. The motion was seconded by Council Member David Ford and carried unanimously. Mayor Harvey commented he would like to keep the firework expense under \$20,000.

DISCUSS DOWNTOWN ENTERTAINMENT DISTRICT: Mayor Harvey stated the next item of business is to discuss establishing a downtown entertainment district. Council Member Rickey Hughes explained he proposes a two-block area around E. Washington St. to allow individuals to purchase an alcoholic beverage in an approved container to be carried outside in a contained area. The contained area would include the area around the Open Air and the Depot. Council Member Hughes explained he has ordinances from surrounding areas and the procedures they follow. Council Member Hughes noted if it would be up to the business whether they participate or not. Council Member David Ford commented it would help the businesses. Council Member Dana W. Mosley asked Police Chief Harold Tucker how will that affect you? Chief Tucker stated, "It does pose issues." Chief Tucker explained he had talked with Council Member Hughes, and he was unclear if it would be only for certain events or all the time. Mayor Harvey asked if it would be in the area of E. Washington (Streetscape area), not around the park or Hwy 27. Council Member Hughes stated, "No." Chief Tucker commented that it needs to be to the sidewalk area and not to the car. City Attorney Albert Palmour commented the cities that are allowing this have more establishments and more activity going on in the downtown area. City Attorney Palmour stated, "It just doesn't seem like it is something we are ready for right now, in my opinion." City Attorney Palmour explained you are going to have to choose which way you want to do it, either off-premise pouring, requiring a permit for a special event, or this way. City Attorney Palmour suggested speaking with the downtown businesses, and if they are in favor, then they need to ask for it. City Attorney Palmour stated, "I see some issues for law enforcement and otherwise." City Attorney Palmour explained if you are going to have more businesses, more restaurants, more nightlife, then you need to do it., but if it's just to do it to see if it's going to work out, then I don't know. Council Member David Ford stated, "We know how it is going to work out." Chief Tucker asked, for example, would people be able to carry their beer to the runway show? Council Member Ford stated, "I think we are talking about designated events." Main Street Director Susan Locklear explained that in the past when alcohol was permitted, there was an off-premise pouring license and insurance required. It has been quite a while since we have had an alcohol pouring event. Council Member Hughes explained that I brought it up to allow everyone to weigh in and come up with something.

Drew Hamilton asked if the city would be required to have additional liability insurance to allow drinking at the open-air property? Susan stated, "The open-air is county-owned."

Council Member David Ford asked to discuss the fifty percent food requirement in the alcohol ordinance. Council Member Ford asked City Attorney Palmour to explain the requirement in the ordinance. City Attorney Palmour explained in the beginning, I guess Council decided they didn't just want bars. They wanted bars that served food and alcohol. You can change your ordinance just to allow bars if you just want bars.

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DISCUSS DOWNTOWN ENTERTAINMENT DISTRICT CONT: Council Member Ford stated, "I'm not saying to have bars, just have food of some kind and not have the ratio so high." Drew explained he is interested in opening a cigar shop and serve alcohol, and the fifty-fifty would be commodities and not food. City Attorney Palmour stated, "You can make a legislative decision, and you can make it any way you want to." City Attorney Palmour stated, "If you want to change it, then change other uses. You would not change the fifty-fifty." Council Member Hughes stated, "We will never get that far if we don't start somewhere." Mayor Harvey explained we do need to look at what we are doing. We need to look at benefits vs. liabilities. City Attorney Palmour commented the beer, liquor, and wine fees in Rome justify the cost for law enforcement to patrol the areas. The fees are probably at least 100 times more than our fees. They are receiving a lot of revenue for that. If you are going to make these facilities available, you need to make sure you have appropriate fees to justify the cost of having law enforcement patrol the areas. Council Member Dana W. Mosley asked if this discussion can be continued at another meeting. Mayor Harvey stated, "Yes." Mayor Harvey noted fees need to be set for liquor stores and penalties for violations.

CITY RETIREMENT PLAN: Mayor Harvey stated the next item of business to discuss modifying the city's retirement plan from 30 years of service to 25 years of service at age 50. Mayor Harvey requested Council Member David Ford to provide additional information on this item. Council Member Ford explained it might be beneficial to the employees that have worked for the city for a while. Council Member Joe Money, Jr. commented City Manager Galloway is going to get us some numbers on what it is going to cost to do that. Mayor Harvey cautioned we need to look at the numbers and how it will affect our workforce. Mayor Harvey suggested looking at surrounding cities and counties. City Manager Galloway explained Georgia Municipal Association (GMA) would conduct a study for \$1,225, and after that, they can do an assessment for the entire cost to the city. City Manager Galloway stated, "Angie is your person to talk to. She takes care of the retirement."

EXECUTIVE SESSION – OPEN: Mayor Harvey announced an Executive Session is needed to discuss Litigation and Land Acquisition.

Council Member Joe Money, Jr. made a motion to close the regular meeting and enter into Executive Session. The motion was seconded by Council Member David Ford and carried unanimously. The regular meeting was closed at 6:52 p.m.

EXECUTIVE SESSION – CLOSED: Mayor Harvey closed the Executive Session and opened the regular meeting at 7:07 p.m. Mayor Harvey announced no action was taken during the Executive Session.

PUBLIC COMMENTS: Mayor Harvey asked for questions, comments, or concerns.

JASON ESPY: Jason Espy with *The Summerville News* asked for more information on the railroad crossing closings. Mayor Harvey explained that GDOT requested the closure of the railroad crossings due to the bypass that will begin in 2024. Jason asked when will they close it and how? City Manager Janice Galloway stated, "They are getting it ready to send out their final plans, and they were wanting the city's okay." Jason asked will you close the whole section? Chief Tucker stated, "Just close the area where the railroad tracks are. It will be a dead-end both ways." City Manager Galloway stated they gave us four choices of crossings. The two we picked out were the least damaging to the neighborhood. Jason asked would any deed of the property be needed? City Attorney Albert Palmour stated, "I wouldn't think so. It's a city street."

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ADJOURN: Council Member Dana W. Mosley made a motion to adjourn. Council Member Joe Money, Jr. seconded the motion. The motion passed 4 to 1, with Council Member David Ford voting in opposition. The meeting was adjourned at 7:16 p.m.

HARRY HARVEY – MAYOR

Attest:

ANGIE WHITE-CITY CLERK