



**CITY OF SUMMERVILLE
SPECIAL CALLED
COUNCIL MEETING
MARCH 28, 2022
5:00 p.m.**

CALLED TO ORDER: Mayor Harvey called the meeting to order at 5:00 p.m.

ROLL CALL: Mayor Harry Harvey gave roll call. Council Members David Ford, Dana W. Mosley, Rickey Hughes, Joe Money, Jr., and Mayor Pro Tem Zachary Martin were present. City Manager Janice Galloway and City Attorney Albert Palmour were present.

INVOCATION: Mayor Harvey gave the invocation.

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

AGENDA: Mayor Harvey asked for additions or deletions to the meeting agenda. Mayor Harvey explained item (C) is to discuss the 2019 CDBG Grant. Mayor Harvey announced Carter & Sloope Engineer Chad Sipe is on the phone to provide information concerning this item. Mayor Harvey stated he would like Chad to provide details after the introduction of guests and visitors so that he does not have to remain on the phone for the duration of the meeting. Council Member Joe Money, Jr. made a motion to approve the change in the meeting agenda. The motion was seconded by Council Member Dana W. Mosley and carried unanimously.

WELCOME: Mayor Harvey welcomed visitors and staff to the Special Called Meeting. Mayor Harvey offered the opportunity for guests to introduce themselves and address concerns.

ANNOUNCEMENTS: Mayor Harvey announced the city has several events forthcoming. Spring Market will be held on Saturday, April 2, 2022. The Regular Council meeting will be held on Monday, April 11, 2022. Mayor Harvey encouraged everyone to visit the city's website for information and updates. Mayor Harvey encouraged everyone to continue to be mindful of the pandemic.

CITY MANAGER: City Manager Janice Galloway reported a balance of \$4,171,517.52 in city funds.

CHAD SIPE: Mayor Harvey requested Chad Sipe to provide information on the 2019 CDBG project. Chad announced a bid opening was held on February 24, 2022, and two bids were received for the sewer project that would serve the Highland Ave area. Chad announced the construction budget going into the bid was \$688,000, and the low bid was 1.2 million. Chad reminded Council this was the 2019 CDBG, and pricing was more reflective of 2018 pricing. Chad explained Carter & Sloope had a discussion with DCA about the possibility of reducing the scope of the target area to be able to work with the \$688,000 budget. Chad explained they seemed to be understanding, but they did not promise us anything. In order to go through the process, you have to send a full amendment. We want to send them an abbreviated scope of the amendment so they can provide preliminary acknowledgment, so moving forward, it would be an acceptable amendment.

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Chad stated we have carved out a project area that reduces the scope of the target area and will serve Highland Ave, First St, Second St, and Third St. If we do that and use the contractor's unit prices, it will come in around \$660,000 for phase one. Chad explained we are trying to stay within the timeline of the bid documents of 60 days for the contractors to hold their prices. Chad explained a public hearing is required and has to advertise for seven days anytime you change the scope of a CDBG project. We want to be able to return to the city on April 11, 2022, and ask for a motion to proceed with the full amendment of getting DCA approval. Mayor Harvey asked when does the public hearing have to take place. Chad stated, "It has to advertise in the paper or online for seven days." Chad explained the public hearing would probably take place the week of April 11.

OLD BUSINESS

SECOND READING AND ADOPTION OF THE FY 2021-2022 MID-YEAR BUDGET ORDINANCE: Mayor Harvey stated the first item of old business is the second reading and adoption of the FY 2021-2022 Mid-Year Budget Ordinance.

PUBLIC HEARING – OPEN: Mayor Harvey opened the public hearing for questions or concerns from visitors. Jason Espy with *The Summerville News* asked how far behind is the city on paying bills? Are you caught up? Mayor Harvey stated, "As far as I know, we are caught up on paying bills." Mayor Harvey explained we are behind on the mid-year ordinance, we usually have that done in January, but everything is running smoothly as far as paying bills.

PUBLIC HEARING – CLOSED: Mayor Harvey closed the public hearing. Mayor Harvey asked for a discussion from Council. No concerns were addressed. Mayor Harvey read the FY 2021-2022 mid-year budget ordinance. Mayor Harvey reviewed the proposed revenue and expenditures for related funds. Mayor Harvey reported the operating budget is \$20,847,693.38. Council Member Joe Money, Jr. made a motion to approve the FY2021-2022 mid-year budget ordinance. The motion was seconded by Rickey Hughes and carried unanimously.

DISCUSS DISTILLED SPIRITS ORDINANCE: Mayor Harvey stated the next item of business is to discuss the distilled spirits alcohol ordinance. Mayor Harvey stated I would like to have some discussion on items that we would like to change in the ordinance. Mayor Harvey explained that the amendment to the ordinance is to establish liquor stores. Mayor Harvey asked for questions, comments, or concerns from Council. Mayor Harvey stated we need to look at fees, the application process, penalties, building requirements, inventory requirements, and a timeline. City Attorney Albert Palmour stated the overall recommendation from the state is no more than one liquor store per 5,000 in population, if you follow that logic, you would not have another store until you reach 15,000 in population in the city. City Attorney Palmour also explained it was his understanding the required zoning would be C-1 or commercial district. City Attorney Palmour stated I have not received any feedback on that. City Attorney Palmour explained discussion had taken place on the building requirements of 5,000 sq ft, the minimum inventory, and the process of selecting an applicant. Currently, the ordinance includes a lottery system for selecting an applicant, which seems to be throughout the state to avoid having someone bringing legal action or challenging the process for choosing one person over another. City Attorney Palmour explained the alternative to a lottery system would be a Request For Proposals in which you ranked RFPs. City Attorney Palmour stated the questions I have heard have related to square footage, inventory, and the way the applicants are chosen.

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DISCUSS DISTILLED SPIRITS ORDINANCE CONT: Council Member David Ford asked if the State of Georgia has a required square footage? City Attorney Palmour stated, "No, you can set those." City Attorney Palmour explained there might be something in the commercial code requirements based on square footage that may determine the number of parking spaces allowed. Council Member Dana W. Mosley questioned if the building needed to be free-standing and possibly brick and mortar. City Attorney Palmour explained you can have the building requirements any way you want them. Mayor Harvey commented I like the lottery system. Mayor Harvey asked City Attorney Palmour if there would be any other methods for selecting applicants if we do not use the lottery system? City Attorney Palmour explained I can't think of any way you could choose other than asking applicants to meet certain guidelines and give a request for proposal based upon a ranking system similar to the way we chose engineers. City Attorney discussed possible criteria that could be included based on recommendations from the Mayor and Council. City Attorney Palmour stated if you want to do a Request For Proposal, I can submit an ordinance that will allow that. City Attorney Palmour noted that lawyers like the lottery system better because no one can come back and say they were treated unfairly in the selection process. Mayor Harvey asked for City Clerk Angie White to provide the information she had obtained. City Clerk White explained she had contacted multiple cities and the requirements vary greatly by city. Some have building requirements, but they may not have an inventory requirement. City Clerk White noted that the City of Rockmart has a similar ordinance to the one City Attorney Palmour has proposed for the City of Summerville. Mayor Harvey stated I would like us to get more information on how we chose the applicant and look at applications. City Attorney Palmour explained the easiest thing to do is to look at the most restrictive application, and then you can remove the items you do not want and work from there. Mayor Harvey stated that we need to consider the fees and penalties. City Clerk White asked City Attorney Palmour if there would be a preliminary application until chosen, and then the applicant chosen would then apply through the State of Georgia? City Attorney Palmour stated, "Correct." Code Enforcement Officer Joey Norton stated he would like to request that the building be sprinkled, reduce the window to 30% coverage to 10% coverage, and then up the wall size sign so the windows will be open so police officers can see in the building. Mayor Harvey stated he would like to see comparisons between surrounding municipalities and counties. Mayor Harvey stated he would like to complete this by the end of May. City Attorney Palmour explained he would redraft the ordinance and make it more restrictive and add an alternative section for the lottery for Request for Proposals. City Attorney Palmour stated he would send the update to City Manager Galloway to distribute to Council, and input can be given to City Manager Galloway on any changes, she can consolidate the request and email me.

NEW BUSINESS

PYRO SHOWS, INC: Mayor Harvey stated the next item of business is to consider approving the payment of \$17,000 to Pyro Shows, Inc. for the Annual Fourth of July Celebration. Mayor Harvey noted a downpayment of \$8,500 needs to be made. Council Member Rickey Hughes asked what Parker Systems would charge for shooting the fireworks. City Manager Janice Galloway stated, "\$3,000." Council Member David Ford made a motion to approve payment of \$17,000 to Pyro Shows, Inc. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

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CALGON CARBON: Mayor Harvey stated the next item of business is to consider approving a payment of \$68,321 to Calgon Carbon for GAC replacement in filters five and six at the water treatment plant. Mayor Harvey requested City Manager Janice Galloway to provide more information on this item. City Manager Galloway explained there is a waiting list when ordered, and we will need to replace it in July. Therefore, we want to ensure we have it on hand when we need it. City Manager Galloway reported that the recent PFAS test was good, and the creek numbers are also down. Mayor Pro Tem Zachary Martin made a motion to approve payment of \$68,321 to Calgon Carbon. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

DISCUSS 2019 CDBG BIDS AND PROJECT: Mayor Harvey explained we have discussed the 2019 CDBG project, and we will be discussing this again at the meeting on April 11, 2021. If we get the full amendment, we will be required to have a public hearing. Finance Director Carla Rutledge stated the public hearing does not have to be a meeting. It just has to be advertised. Mayor Harvey stated we will have a public hearing, and it will be advertised. Mayor Harvey noted we need to have this done by April 24, 2022. Carla stated we need to send it to the paper tomorrow to advertise. City Attorney Albert Palmour explained a quorum of the Council is not required as long as you have a moderator to receive comments for the meeting. Mayor Harvey asked for any questions, concerns, or comments. No concerns were addressed.

PUBLIC COMMENTS: Mayor Harvey asked for comments from visitors.

JASON ESPY: Jason Espy with *The Summerville News* asked if the proposed changes to the alcohol ordinance would be a re-write of the existing alcohol ordinance. City Attorney Albert Palmour stated, "Correct. It will re-write the ordinance to include liquor." City Attorney Palmour explained that there might be changes to beer and wine that apply to convenience stores and fees, licenses, and applications. Jason asked would beer and wine stores be required to have a minimum size building or inventory requirement? City Attorney Palmour stated, "No."

City Manager Janice Galloway asked Council when would you like for us to write the employee bonus checks? Council Members requested the bonus checks be issued as soon as possible.

ADJOURN: With all business concluded, Council Member David Ford made a motion to adjourn. Council Member Dana W. Mosley seconded the motion, which carried unanimously.

HARRY HARVEY – MAYOR

Attest:

ANGIE WHITE – CITY CLERK