



CITY OF SUMMERVILLE REGULAR COUNCIL MEETING APRIL 11, 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 Attorney Albert Palmour was also present. City Manager Janice Galloway was absent.

INVOCATION: Mayor Harvey gave the invocation.

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

INTRODUCTION OF GUEST AND VISITORS: Mayor Harvey requested visitors to introduce themselves and offered them the opportunity to speak. Mayor Harvey announced visitors listed on the agenda would have the opportunity to speak now and later in the meeting.

REPORTS AND PRESENTATION

MAIN STREET – SUSAN LOCKLEAR: Main Street Director Susan Locklear reviewed the report presented to the Council. Susan reported she and her Main Street Assistant participated in a Main Street web training. In addition to the web training, Susan reported she attended a two-day GICH training in Cartersville. Finally, Susan announced Main Street Board Members are gearing up for Ducky Derby, and tickets have been distributed to local businesses to sell. A copy of Susan's report is attached and becomes part of these minutes.

CODE ENFORCEMENT – JOEY NORTON: Code Enforcement Officer Joey Norton reported 18 new property maintenance cases in March. Joey announced that \$867.00 in permit fees was collected for fifteen new permits in March. Joey asked Mayor and Council to review information on the procedures when permitting a mobile home. Joey requested Mayor and Council to provide feedback on the material he has provided for the procedures for new mobile homes in the city. Joey requested Mayor and Council to consider budgeting more money in the new budget for Clean and Lein properties. Council Member Joe Money, Jr. asked Joey how much money he would need. Joey stated, "I think we had \$50,000, which covered eight or ten properties." A copy of Joey's report is attached and becomes part of these minutes.

WATER TREATMENT PLANT – JOHN BARES: John discussed the items listed on March's water treatment plant report. John reported in addition to pulling samples, preventative maintenance was performed at both Raccoon Creek and Lowe Springs. John announced the EMI system is back online and working. In addition, John reported the plant recorded 8.62 inches of rain in February. A copy of the report is attached and becomes part of the minutes.

WASTEWATER TREATMENT PLANT – CHRIS TUGGLE: Chris discussed the work and training performed by treatment plant employees for the month. Chris reported the plant processed 103.2 million gallons of wastewater for the month. In addition, Chris announced the generator at the treatment plant has been repaired and is back online. A copy of Chris's report is attached and becomes part of the minutes.

PAGE 2
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
APRIL 11, 2022

PUBLIC WORKS – TERRY TINNEY: Public Works Director Terry Tinney reviewed the monthly report submitted. Terry discussed the work performed by the water, sewer, and gas department. A copy of the report is attached and becomes part of the minutes.

RECREATION DEPARTMENT – BO CHAMLEE: Bo announced the baseball/softball season began on March 28th. Bo announced the Summerville Recreation Department is the coordinator for the Northwest Georgia area, with 60 teams participating. Bo's report is attached and becomes part of these minutes.

POLICE – HAROLD TUCKER: Chief Tucker reported his department patrolled 8,135 miles in March, issued 113 citations, 50 incident reports, and responded to 726 calls. Chief Tucker reported the police department collected \$9,063 and probation collected \$6,710 in State court fees, \$35.00 in Magistrate fees, and \$2,950 in City court fees. A copy of the police and probation reports is attached and becomes part of these minutes.

FIRE DEPARTMENT – ROBBIE LATHEN: Fire Chief Robbie Lathem reported his department responded to three structure fires, four grass/woods fires, one unauthorized burn, five gas leaks, and other fires for a total of 56 calls for March. Robbie announced that the department completed five nights of training and a two-week walkthrough at the Mohawk Plant.

IT ADMINISTRATOR – TREY GOBLE: Trey reported a number of issues with IT had been resolved on demand for all departments during the month, and he moderated several virtual meetings held in the council room. Trey reported he had worked with the fire department to import data, worked with the water treatment department to repair the EMI system, and installed a demo camera at Dowdy Park.

CITY MANAGER: Mayor Harvey presented the financial report in the absence of City Manager Janice Galloway. Mayor Harvey reported a balance of \$3,029,999.65 in the operating account, and 1 million dollars was transferred to the water account. A copy of the financial report is attached and becomes part of these minutes.

OLD BUSINESS

2019 CDBG SCOPE AMENDMENT: Mayor Harvey requested Carter & Sloope Engineer Chad Sipe to provide information on the CDBG Grant and the Utility Aid request from GDOT. Chad explained at the previous meeting, a scope amendment was discussed to shrink the target area. Chad provided an updated map showing the amended target area and noted the residents outside the target area would be targeted in the next round of funding for the sewer lines. Chad explained that a summary was submitted to DCA to see if they would support the amendment before submitting the full scope. Chad explained DCA supported the abbreviated summary and requested us to proceed with the full amendment, so that is what we are here to do. Chad stated it requires a Public Hearing, and that is scheduled for tomorrow. It also requires an engineering report with updated maps, cost estimates, and the reason we are shrinking the target area. Chad explained UWS was the low bidder on February 24, and they would hold pricing until April 24, but there will be a delay of an award due to unsigned easements from property owners. Due to the unsigned easements, we will need to redesign the project area. Deborah Smith with Allen Smith Consulting explained the public hearing would be held tomorrow via Zoom. Our goal is to submit the amendment on the following Monday or Tuesday so the city can move ahead with the design on First Ave. Council Member Rickey Hughes asked if the easement issue had been discussed with UWS and would it require them to rebid? Chad explained the sixty days will be up on April 24th, and the redesign will not be ready, but we should have an adjusted bid we can work with.

PAGE 3
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
APRIL 11, 2022

2019 CDBG SCOPE AMENDMENT CONT: Chad stated I talked with UWS, and they will try to hold prices for a little longer, but they can't guarantee anything. They requested us to send them the adjusted quantities, and they would review them. Council Member Joe Money, Jr. asked how often an engineer would be on-site once the project begins. Chad explained our services are once a week or once every two weeks. We can add a resident observation to the project if that is something the Council is interested in doing.

Mayor Harvey asked Chad to discuss the Utility Aid request from GDOT for the relocation of the water and gas lines. Chad explained GDOT is relocating the bridge on Hwy 48 and the city's water and gas lines are in the right-of-way. A utility aid request was submitted to GDOT for funding assistance, and GDOT is offering 30% assistance, which puts the city committing to pay 70%, which is approximately \$342,000. We discussed the city self-performing the relocation of the water line and bidding out the relocation of the gas lines. It should be lower if it is all bid inside the road contract. Chad stated my recommendation would be to remove the water and gas lines from the DOT road contract. The city can still coordinate activities with GDOT, and they will require a utility adjustment schedule (UAS), and in the UAS, you can stipulate the activities for the work. Council Member Joe Money, Jr. asked how many feet of water line would be relocated? Terry stated, "About 2,200." Chad noted all of the water will be relocated and about 1,000 ft of the gas. Mayor Harvey noted that Carter & Sloope would seek bids to relocate the gas lines. Mayor Harvey asked for any questions or comments.

Council Member David Ford made a motion to approve a scope amendment to the 2019 CDBG Grant. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

UTILITY AID FROM GDOT: Mayor Harvey stated the next item of business is to consider declining the Utility Aid from GDOT for the relocation of water and gas lines at the bridge on Hwy 48. Council Member Joe Money, Jr made a motion to decline the Utility Aid from GDOT. Council Member Dana W. Mosley seconded the motion, which carried unanimously.

APPROVE CITY STAFF TO RELOCATE WATER LINE ON HWY 48: Mayor Harvey stated the next item of business is to approve city staff to relocate the water line on Hwy 48 at the bridge with a material cost of \$58,277 from Empire Pipe & Supply. Council Member Rickey Hughes made a motion to approve the material cost and city staff to perform the work. The motion was seconded by Mayor Pro Tem Zachary Martin, which carried unanimously.

APPROVE CARTER & SLOOPE TO SEEK BIDS FOR RELOCATION HIGH-PRESSURE GAS LINE ON HWY 48: Mayor Harvey stated the next item of business is to authorize Carter & Sloope to seek bids to relocate a 4-inch high-pressure gas line on Hwy 48 at the bridge. Council Member Dana W. Mosley made a motion to authorize Carter & Sloope to seek bids for relocating the high-pressure gas line on Hwy 48. The motion was seconded by Council Member Rickey Hughes and carried unanimously.

DISCUSS ESTABLISHING A DOWNTOWN ENTERTAINMENT DISTRICT: Mayor Harvey stated the next item of business is to discuss establishing a Downtown Entertainment District. Mayor Harvey requested Council Member Rickey Hughes to provide additional information on this item. Council Member Hughes explained the proposed map of the entertainment district provided to the Mayor and Council would include the East side of N Commerce St, running between Georgia Ave and First St, up to the walking trail north of First Ave, and cut it off at the backside of the railroad tracks. Council Member Hughes stated he would like Mr. Richard Lindsey to address the Mayor and Council concerning this item.

DISCUSS ESTABLISHING A DOWNTOWN ENTERTAINMENT DISTRICT CONT:

RICHARD LINDSEY: Mr. Lindsey addressed the Mayor and Council, explaining he would like to see Summerville move forward with an entertainment district, especially when special events occur. Mr. Lindsey stated he would like the entertainment district to include Dowdy Park and Willow Springs Park when special events are held. Mr. Lindsey stated I think it would encourage others to open businesses in that area. Mr. Lindsey also asked Council to consider changing the 50/50 requirement for businesses selling food, beer, and wine. Mr. Lindsey explained it makes it too restrictive for the businesses, and if you changed it, it would open more opportunities for businesses.

Council Member Rickey Hughes discussed the map provided to Council, explaining he had spoken with Police Chief Harold Tucker concerning the entertainment zone. Chief Tucker requested the entertainment zone stay off Commerce St, which is why Willow Springs Park was not included in the zone. Council Member Hughes explained he contacted Rome Downtown Development Authority to inquire about additional insurance requirements that may be necessary for businesses or the city. Council Member Hughes explained businesses are not required to have additional insurance, nor is the city required to have additional insurance for an entertainment zone. Council Member Hughes provided information on Rome's procedures in their entertainment zone. Council Member Hughes stated he had spoken with the owners of Los Maguey and Jefferson's, and they are in favor of establishing the zone. Council Member Hughes stated we have a local developer, and the entertainment zone would be a promotional idea for him if it were offered or when the train returns. Council Member Hughes stated I know we discussed this, and we are not there as far as weekly entertainment. Still, I think it is a promotional idea to bring more entertainment and business, and it would be beneficial to the future of the town. Mayor Harvey asked for comments from the public.

WILLIAM BENEFIELD: Mr. Benefield addressed Mayor and Council, explaining he is doing a lot of development in town and people have contacted him about properties that he has available for development. Mr. Benefield explained he had purchased most of the buildings on Economy St. and the intentions are to develop the entire area with bars and restaurants that would bring tourism to the town. Mr. Benefield stated I know there has been a concern we are not there yet, and we are not ready. Mr. Benefield asked if we don't have the events, what is the harm in going ahead and approving it?

CATHY JO WILLIAMS: Cathy Jo announced Summerville Main Street intends to start utilizing the downtown area and bring more people to Summerville with more concerts and train arrivals. We have people asking to come to Summerville, we don't have to ask them.

Council Member Hughes suggested approving the entertainment zone and work on amending the ordinance and the zone that will be included in the area. Council Member David Ford asked if the individual would have to pay for a special cup used in the entertainment zone? Council Member Rickey Hughes stated, "In Rome, they have to purchase the cup." Council Member Hughes stated if we can get this established, we can work this out. Mayor Harvey asked for any further comments or concerns from Council. Council Member Dana W. Mosley stated Mr. Lindsey mentioned including the park, and I don't have a problem with the park for special events, but every day, I have a problem with that because of the play area. Mayor Harvey stated the problem I have is the area is too large, and this area is on Hwy 27. We already have something in place for special events as far as alcohol, and we have the area where these events take place, and these events have to come before the Council for approval, and the Police Department needs to be aware of when special events are happening.

**PAGE 5
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
APRIL 11, 2022**

DISCUSS ESTABLISHING A DOWNTOWN ENTERTAINMENT DISTRICT CONT:

Council Member David Ford commented the problem is the vendors have tried to sell beer and wine, but they are required to have special insurance, and they can not make money. Council Member Ford stated I thought we were just going to do the Streetscape area, and if it expands, we can move it out. Can we not just do it there and then expand it out? William Benefield interjected, stating, "I am willing to develop that space if we can have something to bring something in." Council Member Hughes noted merchants in the City of Acworth that participate in the program are required to have signs with the rules and designated area posted at the door. Resident Richard Lindsey commented it is an opportunity to take all of your vacant buildings and make them into a more inviting place. William Benefield stated, "Encourage Growth." Mayor Harvey stated, "I am not against encouraging growth, but we also need to have an idea of what we are looking at and not have people on the streets. If we are just doing it for special events, we already have things in place."

City Attorney Albert Palmour stated I am willing to work on an ordinance and make changes as directed. I am familiar with Rome's ordinance, and it used to be a 50/50 food to alcohol ratio, and they changed it over time. It will take time to work through the issues to get it the way you want it. You can start slow and see where it goes. Mayor Harvey reiterated we have something in place for special events downtown. Mayor Harvey stated I see some things that it would help but also problems with a large area. Mr. Benefield stated, "I think the goal is to get away from just special events. That doesn't work." Council Member Joe Money, Jr. asked if a public hearing could be held due to the number of businesses that would be affected? Mayor Harvey stated, "Yes, we need to have our Attorney look at the changes that could take place." Mayor Harvey stated I would like a public hearing, and I think the area is too large. I don't want them on Hwy 27 or in the park. Mayor Harvey asked if Council would like for the City Attorney to work on the plans. Council Member Rickey Hughes stated, "I would like to go ahead and put it to a vote to see where we stand." Council Member David Ford commented just do the Streetscape area. Council Member Hughes stated, "If you give me the opportunity, I'll make a motion. Mayor Harvey asked, a motion to do what? Council Member Hughes stated, "To establish the entertainment district." Mayor Harvey stated, " It needs to be on the agenda. If you want to make a motion to study this and have our Attorney look at it, we can do that." Council Member Hughes stated we have postponed this from last month to this month so we could have another discussion. I want to take action on this tonight. Council Member Hughes stated we can vote on establishing the district, and the Attorney said he could work through the regulations. I want to take action on it tonight. Council Member David Ford stated, "We can establish the entertainment district and then sit down with the City Attorney and decide where it is going to be." Mayor Harvey cautioned we need to have an idea of what we are doing. Mayor Harvey explained if you want to have a motion or want to work on establishing this, let the Attorney work on it and then vote, that will be fine, but to establish this as the entertainment district, this is not the way we need to be doing business. Council Member Rickey Hughes stated, "I want to make a motion on this tonight. I want to take a vote with the Council to do it tonight. We can work the kinks out later." City Attorney Palmour interjected, asking Council Member Hughes do you want to take a vote on establishing an entertainment district? Council Member Hughes stated, "Yes, sir." City Attorney Palmour explained the entertainment district would be a district in which the city would promulgate regulations and permits in the future to allow the carry of alcoholic beverages within that district. Council Member Hughes stated, "Yes, sir." City Attorney Palmour asked, "Do you understand if you pass the motion that the Council would have to come back and vote on all of these regulations prior to the time they would be allowed? Council Member Hughes stated, "Yes, sir, I understand." Mayor Harvey asked for any questions from Council.

PAGE 6
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
APRIL 11, 2022

DISCUSS ESTABLISHING A DOWNTOWN ENTERTAINMENT DISTRICT CONT:

Council Member Joe Money, Jr. asked what did we decide on a public hearing? City Attorney Palmour explained you can not create an ordinance without a public hearing. It is just a point of order. He wants to have a vote if you are going to go forward or not. Mayor Harvey stated, "I would like more information." Council Member David Ford stated, "Let's go forward, and we can get more information. If we keep procrastinating on this, we will not do this." Council Member Hughes stated, "I want to make a motion to move forward with the entertainment district tonight." Council Member David Ford seconded the motion. The motion passed 4 to 1, with Council Member Joe Money, Jr. voting in opposition. Mayor Harvey requested Council Member Rickey Hughes work with City Attorney Albert Palmour on this item.

DISCUSS DISTILLED SPIRITS ALCOHOL ORDINANCE: Mayor Harvey stated the next item of business is to discuss the distilled spirits alcohol ordinance. Mayor Harvey explained he would like to have a meeting on April 25th to review the items in the alcohol ordinance that may need to be discussed, including fees, inventory requirements, and building size. City Attorney Albert Palmour discussed the items he needed guidance on. City Attorney Palmour requested Council to review the sections related to planning and zoning compliance and requirements, an employee that has been convicted of a felony, distances from churches, family dwellings, schools, security camera requirements, blueprints, survey requirements, and lottery provision. City Attorney Palmour stated if you decide not to use the lottery provision, you would have a Request for Proposal in the event you have more than two applicants. City Attorney Palmour stated I left the square footage requirement blank and the inventory requirement. If you are not going to do a lottery, the selection process has to be fair for all applicants. City Attorney Palmour stated you will have to tell me what the different reasons are for the Request for Proposals if you are not going to use the lottery system. City Attorney Palmour noted that the proposed ordinance provides for only stand-alone buildings. City Attorney Palmour asked Council to review all of the changes that had been requested, and if more changes are needed, changes can be made before the April 25th meeting. Mayor Harvey noted the state has regulations that need to be considered. Mayor Harvey encouraged Council to look at both the state and GMA's websites for information. Code Enforcement Joey Norton asked City Attorney Palmour if it would be an issue if a church moved close to an existing restaurant. City Attorney Palmour explained if the business is an established location and someone moves in, the business would be grandfathered in. Mayor Harvey requested Joey send his questions to City Attorney Palmour. Council Member Joe Money, Jr. asked who polices the inventory. City Attorney Palmour explained most people require the invoices and purchases from the wholesaler, and the wholesaler has to pay the fees to the city. Mayor Harvey stated the big issues would be location, fees, and inventory.

NEW BUSINESS

MINUTES: Mayor Harvey stated approval of the minutes of the previous council meeting is needed. Council Member Joe Money, Jr. made a motion to approve the meeting minutes. The motion was seconded by David Ford and carried unanimously.

KIM PLEDGER- MAINSTREET BOARD MEMBER: Mayor Harvey stated the next item of business is to consider approving Kim Pledger as a Main Street Board Member for a two-year term. Council Member Joe Money, Jr. made a motion to approve Kim Pledger as a Main Street Board Member. The motion was seconded by Council Member Rickey Hughes and carried unanimously.

**PAGE 7
CITY OF SUMMERVILLE
REGULAR COUNCIL MEETING
APRIL 11, 2022**

NIKKI BENEFIELD – MAINSTREET BOARD MEMBER: Mayor Harvey stated the next item of business is to consider appointing Nikki Benefield as a Main Street Board Member for a two-year term. Council Member Rickey Hughes made a motion to appoint Nikki Benefield as a Main Street Board Member. Council Member Joe Money, Jr. seconded the motion, which carried unanimously.

OATH OF OFFICE FOR MAIN STREET BOARD MEMBERS: Mayor Harvey administered the Main Street Board Member Oath of Office to Kim Pledger and Nikki Benefield. A copy of the Oath of Office is attached and becomes part of these minutes.

BLOUNT CONSTRUCTION – MILLICAN ST PAVING: Mayor Harvey announced approval is needed for payment of \$7,825.78 to Blount Construction for asphalt on Millican St. Mayor Harvey noted this is part of the LMIG paving project. Council Member David Ford made a motion to approve payment to Blount Construction in the amount of \$7,825.78. The motion was seconded by Council Member Joe Money, Jr. and carried unanimously.

WILLIAM D PATTY CONSTRUCTION: Mayor Harvey stated approval is needed for payment to William D Patty Construction in the amount of \$6,018.44 for chert, rock, and asphalt. Council Member Joe Money, Jr. made a motion to approve payment to William D. Patty Construction. The motion was seconded by Council Member Rickey Hughes, which carried unanimously.

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

Council Member Dana W. Mosley made a motion to close the regular meeting and enter into Executive Session. The motion was seconded by Mayor Pro Tem Zachary Martin and carried unanimously. The regular meeting was closed at 6:31 p.m.

EXECUTIVE SESSION – CLOSED: Mayor Harvey closed the Executive Session and opened the regular meeting at 6:46 p.m. Mayor Harvey announced no action was taken during the Executive Session.

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

ADJOURN: Council Member Dana W. Mosley made a motion to adjourn. Mayor Pro Tem Zachary Martin seconded the motion and carried unanimously. The meeting was adjourned at 6:47 p.m.

HARRY HARVEY – MAYOR

Attest:

ANGIE WHITE-CITY CLERK