



**CITY OF SUMMERVILLE
SPECIAL CALLED
COUNCIL MEETING
APRIL 25, 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, Rickey Hughes, Joe Money, Jr., and Mayor Pro Tem Zachary Martin were present. Council Member Dana W. Mosley attended virtually. City Manager Janice Galloway and City Attorney Albert Palmour were also present.

INVOCATION: Mayor Harvey gave the invocation.

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

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

WELCOME: Mayor Harvey welcomed visitors and staff to the Special Called Meeting. Mayor Harvey requested visitors to sign in, listing their name, address, and reason for attending. Mayor Harvey offered the guest the opportunity to speak and requested comments be limited to three to five minutes.

ANNOUNCEMENTS: Mayor Harvey gave the following announcements:

- Several April and May events will be held and encouraged everyone to attend.
- Council meetings are held on the second Monday of each month at 5 p.m.
- The Regular Council Meeting will be held on Monday, May 9, 2022.
- Activities are listed on the website.

CITY MANAGER: City Manager Janice Galloway reported a balance of \$ 3,226,626.23 in the operating account.

Mayor Harvey announced the special called meeting is a work session to firm up the changes to the alcohol ordinance concerning the package sales of distilled spirits. Mayor Harvey explained the City Attorney would make the changes once the Council consensus is met, and two readings and public hearings will be held. Mayor Harvey explained no action would be taken on this item tonight. Mayor Harvey announced the Council would also discuss the entertainment district and lay the groundwork, but no action will be taken on that item at tonight's meeting.

OLD BUSINESS

DISCUSS DISTILLED SPIRITS ALCOHOL ORDINANCE: Mayor Harvey stated at the last meeting Council was presented an ordinance to review. Mayor Harvey explained one of the items that needed to be addressed was how applicants would be selected. Mayor Harvey stated my recommendation would be to use the lottery system. Other cities use either the lottery system or an unlimited number of stores. Mayor Harvey asked for a discussion from Council on how the selection should be made.

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DISCUSS DISTILLED SPIRITS ALCOHOL ORDINANCE CONT: Council Member Rickey Hughes commented when it is all said and done, probably the smoothest thing would be the lottery system. That will avoid almost any impropriety that could occur. Mayor Pro Tem Zachary Martin agreed with the lottery system and recommended limiting it to two stores. City Attorney Palmour explained he will go with the lottery, but he needs feedback on square footage requirements and inventory requirements. City Attorney Palmour stated fees need to be set and published. Mayor Harvey stated the most common fee for distilled spirits is \$5,000. One question I have is whether the \$5,000 fee includes beer and wine or is it separate. City Attorney Palmour stated if you are going to only have two stores, I think you could just have a set fee for beer, liquor, and wine. I think one fee would be appropriate. City Attorney Palmour stated I would just add the liquor fee and not change the fees for the current stores. Mayor Harvey discussed the fees for all alcohol and suggested if any fees are changed, make those changes in a couple of months within the budget.

Todd Kingsolver asked what the idea behind the minimum inventory value is? Todd commented that if you are a business owner, you do not know what your sales are, but you are required to hold a minimum inventory. Mayor Harvey stated we can discuss that when we get to that item.

Mayor Harvey suggested continuing with setting the fees. Mayor Harvey recommended keeping the maximum fee of \$5,000 for distilled spirits. Mayor Harvey asked for a discussion from Council. Council Member Joe Money, Jr. stated, "I agree with that Mayor." Mayor Harvey noted that if they want beer and wine, it will be the fees as they are now.

Mayor Harvey explained the sample ordinance suggested a \$500,000 inventory requirement. The purpose of this was to have certain size stores, and the building size will need to be determined. Mayor Harvey asked Mr. Kingsolver for his question on inventory again. Todd questioned the inventory requirement since it would be a new business with no sales history inside the city. City Attorney Albert Palmour explained the primary reason for having an inventory requirement is a recommendation from the Georgia Municipal Association (GMA) to make sure the store owners are physically responsible and have the financial overall to make it. The staff has looked at inventory throughout the state in similar jurisdiction, which has caused the discussion to lower the inventory requirements. The idea was that the owners have sufficient capital to open and run a business and have the financial capital. Council Member Rickey Hughes commented I think, \$350,000. Council Member Joe Money, Jr. commented I think \$350,000 would be sufficient. Mayor Harvey asked City Attorney Palmour would there be provisions to lower the inventory requirements if there happened to be more than two stores. City Attorney Palmour explained that if you limit the number to two stores, you would need a significant increase in population to have additional stores. If that happens, you could change the ordinance at that time. Mayor Harvey noted the consensus from Council is the minimum inventory requirement will be \$350,000. Chief Harold Tucker asked if the inventory requirement means to maintain or is that just the start-up requirement? Mayor Harvey stated it is my understanding that it is start-up.

Mayor Harvey stated the size and type of building need to be determined. Mayor Harvey noted that the stores would be required to be in C-1 or C-2 zones, and certain state laws would need to be followed. Mayor Harvey asked for a discussion from Council. Mayor Harvey, Council Member Hughes, and Council Member Money agreed that 3,000 sq ft was an appropriate building requirement.

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City Attorney Albert Palmour explained another item in the ordinance brought up, but no feedback was received, was employing someone who had been convicted of a felony. City Attorney Palmour noted it is in the ordinance and will remain. City Attorney Palmour explained that if someone were a first offender or had their civil rights restored, it would not apply to them, but you could not employ someone who has been convicted of a felony and has not had their civil rights restored. Mayor Harvey questioned a section pertaining to employees being convicted of a felony. City Attorney Palmour interjected and explained the section pertains to someone who has ever been convicted of an offense involving the illegal sale of alcohol or convicted of a crime involving moral turpitude, which could also be a misdemeanor, would be ineligible for a license. There is also a provision that they can not employ someone working in the store that had been convicted of a felony. City Attorney Palmour stated I will leave it in, and we will talk about it later.

Mayor Harvey reviewed the distance requirements that are currently in the ordinance. Council Member Rickey Hughes asked about the location of the building and police accessibility. Mayor Harvey stated it is in here, it has to be a stand-alone building, and they have to be able to get to the back of it. Chief Tucker asked City Attorney Palmour if that was included in the ordinance. City Attorney Palmour stated, "I don't know if that is in there, but it can't be attached to another business." City Attorney Palmour noted we were going to require them to submit their plans with their application. City Clerk Angie White asked City Attorney Palmour if the licensee is not a resident of Chattooga County, are they required to have a registered agent like the current ordinance requires? City Attorney Palmour stated, "Correct."

Mayor Harvey explained an application fee needs to be determined. City Clerk White stated the current application fee is a one-time only charge of \$150. Mayor Harvey asked if the fee needed to be increased. City Attorney Palmour noted most charge an application fee of \$500, minimum. Mayor Harvey noted that the \$500 would be the application fee for liquor stores only and will be non-refundable.

Mayor Harvey discussed the timetable for the application process and opening requirements. City Attorney Palmour noted it could be added if someone has a reasonable cause. It could be extended.

City Clerk White asked for clarification on the fees. Mayor Harvey stated the fee would be \$5,000 for liquor and \$800 for beer and wine.

Mayor Harvey stated I would like the readings and public hearings at the regular meetings in May and June. City Clerk White asked City Attorney Palmour if he would provide a check-off list to ensure the application is complete.

DISCUSS DOWNTOWN ENTERTAINMENT ZONE: Mayor Harvey explained the next item of business is to discuss the downtown entertainment zone, establish rules and regulations, and map the entertainment zone. Mayor Harvey explained this would be a relaxation of our open container law. Mayor Harvey discussed some of the existing items that would apply in the current ordinance. Mayor Harvey stated I think the area is too large and too broad for when alcohol can be served, and we do have some activities we should not have alcohol. Mayor Harvey reiterated we are trying to formulate an ordinance, but we are not voting or moving ahead. City Attorney Albert Palmour interjected, stating that you need to know what you are going to do and then have a public hearing for input from the public. City Attorney Palmour stated it is just amending the current ordinances to allow people to walk around with Beer, wine, or distilled spirits within a certain portion of the city for certain times, for certain events, is my understanding. It is not a 24/7 agreement.

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DISCUSS DOWNTOWN ENTERTAINMENT ZONE CONT: Mayor Harvey stated we have enough in our current ordinance that can be tweaked for events. Mayor Harvey asked Council Member Rickey Hughes to provide more information. Council Member Hughes explained the reason for the proposed two-block area is to allow for future development from Mr. William Benefield on Economy St. Los Maguey, and Jefferson's would also be included in this two-block area. Council Member Hughes stated I have also been told someone is interested in developing a restaurant in the building behind Winter's transmission shop just north of First St. City Attorney Palmour asked Council Member Hughes do you want to go from Winter's shop along the town creek. Council Member Hughes explained it would follow the railroad as far south as Georgia Ave and have a two-block area. City Attorney Palmour asked if it would include the rear of all of the buildings but not the face of Hwy 27. Council Member Hughes stated, "It would include the face of Hwy 27." City Attorney Palmour asked if the area would be from the State Farm building to First National, across the street, across the creek, and all the way back to Georgia Ave. Council Member Hughes stated, "Yes, sir." City Attorney Palmour explained if you do that, you will need to contact all of the property owners in the geographical area and have them make comments if they are for or against it. City Attorney Palmour stated I think that would be appropriate. City Attorney Palmour suggested having a PowerPoint for what is being proposed and the positives and negatives for the public. Council Member Hughes stated I am proposing Thursday, Friday, and Saturday from 6 p.m. to 11 p.m. with a provision to exclude certain dates or times due to the events that may take place. Council Member Hughes explained that many towns with entertainment zones require businesses to post the map with instructions. Council Member Hughes stated I have business owners and a developer here to offer feedback so we can come together with a presentation.

Jefferson's owner Todd Kingsolver stated I don't anticipate Jefferson's making a killing off selling beer. My big goal is to develop Summerville and make business off of people coming to town. Andrew Hamilton commented alcohol already exists. I don't see an issue with it. It just comes down to personal responsibility.

William Benfield commented it should be a revenue game so the city makes money.

Chief Harold Tucker stated that as Police Chief and Public Safety Director, I want to keep it off Hwy 27 and the sidewalks on Hwy 27. Richard Lindsey commented that it takes Jefferson's out of the game. Chief Tucker stated not necessarily. Chief Tucker addressed Mr. Lindsey, stating I understand his entrance is to the front, but maybe he could get with the property owner to install a door on the side of the building. I think there are ways. Mr. Lindsey commented if he installed a side door, he would lose seating. Why can they not just go in the front and back out to the entertainment zone? I would not make him adjust his building and lose seating. That is defeating the purpose. Mr. Lindsey asked, can you not include the park in the entertainment district for special events? Mayor Harvey stated that one of the first things we need to do is look at the area we are talking about. We can start with an area and always expand if needed. Mayor Harvey explained there are things in the ordinance that can be tweaked to make an entertainment district work. City Attorney Palmour explained if you wanted to make an entertainment district, you could deal with existing structures and businesses with the idea of expanding the district later. Mr. Lindsey asked Mayor Harvey are you considering excluding the Depot out of the entertainment zone? Mayor Harvey stated, "Yes." Mr. Lindsey stated that is one of your main centers of your entertainment district. Mayor Harvey noted we have a lot of family-type things at the Depot. Mayor Harvey asked for any other comments or questions. No others were addressed.

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Council Member Rickey Hughes stated he would like to discuss changing the 50/50 food to alcohol ratio. City Attorney Palmour stated that would require a modification to the alcohol ordinance.

Mr. William Benefield explained that Drew Hamilton is interested in opening an Old Havana cigar bar on the corner of E. Washington and Economy St. if the Council would make a concession for cigar sales in lieu of food sales. Mr. Benefield stated it would be an upscale joint. Mr. Benefield stated if you give him the go-ahead, I'll build it. Drew stated I am looking to swap out the current ordinance requiring a 50/50 food to alcohol ratio and changing food to cigars or whatever other commodity it needs to be. Mr. Lindsey asked if it would be beer and wine only, not distilled spirits? Drew stated, "Beer and wine currently. I'm not going pursue that avenue yet." Mayor Harvey commented that we need to be specific about the commodities and take some time to examine the ordinance. Mayor Harvey asked City Attorney Palmour to work on the ordinance.

Mr. William Benefield explained I have plans for developing the old Cook's building for two restaurants and other things. I would like the Council to consider installing a bridge from the gazebo into an outdoor seating area in the sharp curve toward the Depot because there is a lot of wasted space we could add to the front of a restaurant for seating on the creek. City Attorney Palmour asked if this is across the railroad track? William stated, "Exactly." City Attorney Palmour stated you would have to get a permit from the state. William commented I have two restaurants interested in those spaces. It would be good to encourage them to come in. Mayor Harvey noted it always comes down to money.

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

Mayor Harvey announced a bid opening will be held on May 2nd for the Hwy 48 gas project.

ADJOURN: With all business concluded, Council Member David Ford made a motion to adjourn. Mayor Pro Tem Zachary Martin seconded the motion, which carried unanimously. The meeting was adjourned at 6:22 p.m.

HARRY HARVEY – MAYOR

Attest:

ANGIE WHITE – CITY CLERK