

March 4, 2024  
Meeting Cancelled

Council Meeting  
March 18, 2024

Members Present: Mayor Buddy Duke, members Terry McClain, Greg Paige, Walter Cowart, Celestine Hayes and Jody Greene.

Others Present: City manager Mark Barber, City Clerk Rhonda Rowe, Attorney Tim Tanner, members of staff and the public.

Invocation was given by Councilman McClain.

Pledge of Allegiance

Approval of Minutes: Councilman Cowart made a motion to approve the minutes of February 19, 2024 as presented. Councilman Paige seconded with all in favor.

Budget Software: City Manager Mark Barber addressed the council concerning the acquisition of a budgeting software package. He stated the external auditor has suggested procuring some differing financial software and the budget is always the base. As the council recalls, everything earlier has been presented in excel. This is not necessarily the best way and we have been looking around for something different. Cleargov is a package that contains 3 modules; operational, personnel and capital. It also has the capability of doing other things such as trending, etc. The National Government Association offers a budgeting award and this will help prepare for that. He provided to the council a list of other cities currently using this software and noted that it includes both smaller and larger cities than Adel. The total cost to get it up and running is \$19,787.50. He noted the various pricing components and stated that bundling all 3 modules provides us with a \$5,133.33 discount, which is included in the total price presented. He noted we did not have to do an RFQ because Cleargov is part of the state contract. The state of Georgia has already vetted them. They are part of the buy board for the state of Georgia. Councilwoman Hayes asked if it would impact the utility billing to which the city manager advised, no. He will be bringing one later but the good thing is Cleargov will incorporate into a financial software package. Councilman McClain stated he assumed this will help the external auditor? He was advised yes, but a financial package will be more so. Councilman McClain asked if training would come with it to which Mr. Barber replied yes, we will have a 24/7 response with staff dedicated to support the city. Councilman Paige made a motion to approve the purchase of the budgeting software. Councilman Greene seconded with all in favor.

Ga. Department of Transportation (DOT) Utility Reimbursement: The council was advised the state is preparing for the round-a-bout project at the intersection of Hwy 76/37. They have found that some of our water infrastructure is involved and will need to be relocated. We will need permission to participate in the utility aid request. The project is estimated at \$119,112 and the DOT will give a 25% reimbursement on the relocation cost. The DOT will also pay for the capping on our infrastructure. Councilman Cowart made a motion to move forward with participation in the utility aid reimbursement request. Councilman McClain seconded. All were in favor.

Adel Industrial Development Authority Board Appointments: A letter has been received from the Chairman of the AIDA requesting two appointments be made by the city to fill two vacancies on the board. The authority consists of seven members who serve terms of 6 years. Every member must be a resident of Adel by law and must participate in mandatory training. The development authority is recommending the appointment of Randy Connell and Misty Dobransky. The appointments would be immediate with a term expiration of April 19, 2029. Councilman Greene made a motion to approve the recommended appointments. Councilman Cowart seconded. Councilwoman Hayes asked the names of the other members. Mayor Duke provided the information. There was no further discussion and all members voted in favor of the appointments.

Moratorium Extension (Cryptocurrency/Data Mining Facilities): At a special called meeting on August 15, 2023 the Mayor and Council discussed and approved placing a 180 day moratorium on the issuance of permitting or licensing regarding crypto or data mining facilities. The moratorium expiration was February 15, 2024; however, at the February 5, 2024 council meeting the decision was made to extend the moratorium an additional 45 days, which would expire April 1, 2024. Additional time was requested to ensure the new ordinance was comprehensive and precise. A work session was held and modifications made according to the conversation of the work session. Staff is recommending an additional 30 day extension of the moratorium to complete. Councilwoman Hayes asked why the moratorium couldn't be for a year? The city attorney stated he would be cautious as there is a state bill for moratoriums exceeding 6 months. Some judges begin to frown on extensions with no basis. After a discussion, Mr. Tanner noted the purpose of the ordinance is to try and place regulations that will help protect the residents. He stated the proposed ordinance he has sent for review includes (1) decibel limitations that have been changed to the property line instead of an actual brick wall (2) immersion cooling (3) limiting to Heavy Industrial zoning areas (4) transitional buffering. He added that if we don't do anything, we will be exposing our citizens to this type of business. Councilman Cowart asked if we can do a 60 day moratorium? Mr. Tanner advised that we could, but we need to go ahead and act. Councilman McClain made a motion to extend the moratorium until June 30, 2024 or until the ordinance is approved, whichever occurs first. Councilman Greene seconded with all in favor.

Cook County Board of Health Appointment: There is a position on the Cook County Board of Health that needs to be appointed or reappointed by the City of Adel. Currently, Ms. Shelva Keeley holds this position and is willing to serve another six year term, and she is recommended for consideration by the South Health District. Councilman Greene made a motion to reappoint Ms. Keeley to the board. Councilwoman Hayes seconded. The decision was unanimous.

## Public Comments:

Dr. Treva Gear – Dr. Gear submitted a request to be heard concerning two topics (1) Crypto moratorium and future ordinance feedback and (2) industry and residential areas. Dr. Gear stated she was happy the moratorium was extended and mentioned HB #1043 that was put up in the state legislature by the crypto industry to usurp the city's power but thankfully the bill died. They were going to pre-empt the Public Service Commission, which MEAG does not fall under (so they like small towns like Adel and Fitzgerald) where yall get to set the rates, reselling and redistributing energy to the communities so you can sell it for lower rates to these industries. They are just using you like Blockstream did and now they're gone with a bill they haven't paid. Cleanspark, another crypto industry that is big in the Atlanta area said yes, they hire people, but they're from outside the area. She further stated we are not an electrical company and that Mr. Baker had stated we had 30 MW on the line. A state rep had stated "why are we taking energy that could be used to provide hundreds of jobs to another industry but we're soaking it up with crypto"? For things to consider in the ordinance she added that you could put as much as you want to in it. Georgia is a home rule state, which means that counties and municipalities in Georgia can do whatever they want to do. They can act as a state legislature as long as there is not a law already in place. You can say no to crypto or write an ordinance that's so tight and so right that they won't come here anyway, the you won't have to worry about being sued. You all would have to spend money just to prove they're violating the ordinance. Concerning zoning and industry, we know that Cleanspark wants to come and sit on 9<sup>th</sup> Street. Yes, its heavy industry because that's how it was built way back then. It's going to make another set of community members suffer and then emergent using water and liquids. Now they're going to soak up our water resources. It's still loud; she's heard the industries. Concerning zoning in residential areas, industries have been strategically placed back in 1957 before the civil rights movement, placed in the most poor black/brown communities. Did you do that? No, however, you can wrong that right. That's how these industries can end up in residential areas is because heavy industry is zoned next to it. You all have not been successful in protecting communities that have wholesale light industry like Advanced Cylinder and Tank. Community members have not been protected through zoning that says they cannot emit a strong odor so she doesn't know how they will create an ordinance that is not going to make you fight and look crazy not being able to control an industry and pay a whole lot of money out and have crypto here. Yes you can and we need to look at our residential areas and how they're zoned and how we can change that. What can you do to stop us from bearing the burden of having heavy industry that was zoned way back in the 50's right next door to our playgrounds, our kids, homes? It's not their fault. We have an affordable housing problem and then we have people that can't pay their light bill.

## Council Comments:

Celestine Hayes – Asked if Mr. Barber he had found out anything about the commercial driveways. He stated that he did ask but has not received a response yet from the engineering firm. She also stated she hasn't seen any drain ditches off of Bill, Lavind and Ayers. If it rains you're still going to have the same problem with the flooding. Mr. Barber reminded her they have talked about it a couple of times and the ditches will not be piped. The ditches will be higher on the yard side so the water will come off the road and run into the ditch. When they are finishing the project, they will

decide which way to slope the ditches. Councilman Paige asked if there was any reason the ditches can't be piped? Mr. Barber stated the design was in place before he came on board. Environmentally, they try not to pipe in open areas.

Councilman Cowart – Asked where we stand with the audit? He was advised the FY22 audit has been completed and submitted. He can get the officials an electronic copy if they would prefer to have that before we receive the hard copies. Mr. Barber noted we will be in compliance for a couple of weeks but the FY23 audit is due March 31, 2024 and we will not meet that deadline. He does not have a projection as to when that one will be completed. He thanked the council for approving the budgeting software and added that will be a big step in helping us get back when we integrate with a new financial package. That will help us immensely.

Executive Session: This item was canceled.

There was no further business and the meeting was adjourned.

---

Rhonda P. Rowe, City Clerk

---

Luther L. Duke III, Mayor

---