

Council Meeting
May 2, 2022

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

Others Present: John Flythe, Rhonda Rowe, Tim Tanner, Chad Castleberry, Randy Lane and members of the public.

Invocation was given by Councilman McClain.

Pledge of Allegiance

Approval of Minutes: Councilman Paige made a motion to accept the minutes of April 18, 2022 as presented. Councilman Greene seconded. Councilman McClain noted an attachment with tonight's agenda stated the proposed salary for council was \$13,500 and \$18,900. He asked to clarify the amounts are \$13,500 for council and \$18,900 for mayor. There was no further discussion and all members voted in favor to approve the minutes of April 18, 2022.

Public Hearing (Variance Request for Circle K): Councilman Cowart made a motion to enter into public hearing to gain input on the proposed variance application filed by Circle K. Councilman Paige seconded with all in favor. The application requests a variance on the maximum sign height from 75 ft. to 100 ft; therefore, being a 25 ft. variance. The application states the property is owned by Circle K and is located on the northwest corner of Georgia Hwy. 37 West and Texas Street. Chris Posey with ANS Signs spoke in favor of the application stating that if you proceed west on 4th Street, you cannot see any of the signs that are already there at 75 feet. They conducted a flag test and determined the minimum height to see the sign is approximately 100 feet. This will also help with traffic coming from southbound as well to see the sign. Councilman Cowart asked if it was a digital sign to which Mr. Posey replied that it was a digital gas runner underneath the bottom with the Circle K logo at the top. City Manager John Flythe inquired as to whether Circle K is the current owner of the property to which Mr. Posey replied that he was unsure. There were no further questions and no further input from anyone either for or against the variance application. The public hearing was declared closed.

Variance Request (Circle K): City attorney Tim Tanner advised that the variance request is specifically applicable to this applicant only, which in this case is Circle K. It is not like a land use change so he would recommend a time limit be placed on completing the action for which a variance is being requested. The Mayor questioned the time frame and verified with the city attorney that 6 months after completion of the store would be sufficient. City Manager John Flythe further stated the City has not swapped any deeds and the Mayor and Council are aware that the Williams Company had been advised they will be required to move the road and utilities at their expense, while we retain a right of way easement until all of those are moved; therefore, you may want to give them 12 months to get everything completed. Councilman Greene made a motion to grant the variance request to Circle K with a time limit of 12 months following completion of the store. Councilman Cowart provided the second. The decision was unanimous.

Ord. #22-01: This ordinance, amending section 15-1 of the code of ordinances by striking Section 15-1 “*Opposing, Obstructing Officers*” and substituting a new code Section 50-8 “*Interference*”, was read for the second time. Councilman Greene made a motion to adopt the ordinance. Councilman McClain seconded. All were in favor.

Ord. #22-02: This ordinance, amending Section 2-37 “*Salaries*” of Division 1 Generally of Article II, *Mayor and City Council* of Chapter 2 Administration of the Code of Ordinances, was read for the first time. The ordinance sets the annual salary of the mayor at \$18,900 and the annual salary of the council at \$13,500. The ordinance also provides for reimbursement of actual and necessary out-of-pocket expenses incurred in the performance of their official duties. The ordinance will take effect after the adoption date but in no event sooner than the first regularly scheduled meeting of the Mayor and Council in January 2024.

GMA District 11 Officers Ballot: Mayor Duke presented the ballot received from GMA with the slate of officers nominated for President, First Vice President, and Second Vice President of District 11. Those nominees are President – Mona Paulk (City of Ocilla), First Vice President – Tommy Roberts (City of Fitzgerald), Second Vice President – Carla Gibson-Wright (Town of Alapaha). Members McClain, Paige, Cowart and Greene voted in favor of the nominees presented. Councilwoman Hayes did not cast a vote, stating she did not know any of the individuals on the ballot. Motion passed. The council was then presented with the names of the nominees for third vice president, Sandra Tooley (City of Valdosta) and Mack Boatright (City of Blackshear). Those voting in favor of Mack Boatright for third vice president were Councilmen Greene and Cowart. Those voting in favor of Sandra Tooley were Councilmen McClain and Paige. Councilwoman Hayes did not cast a vote. Due to there being a tie, Mayor Duke cast the deciding vote in favor of Councilmember Sandra Tooley from the City of Valdosta.

GMA Voting Delegate: Councilman Cowart made a motion to appoint Councilman Paige as the voting delegate for the upcoming GMA Convention. Councilman McClain seconded. All were in favor.

Update on Billing: City Manager John Flythe reported that a cycle of bills had been sent out two weeks ago. The programmer is working on reports and we hope to send out the next batch within the next three weeks. Mayor Duke stated he had several people that had asked if there was a mechanism to provide the total amount for them to catch up. Mr. Flythe responded the best thing would be for them to take their average bill for the past 12 months and pay that amount for the number of months they want to pay. We won’t know the actual amounts until that particular month’s usage period is prepared to be billed out. He also added that a rate reduction had been passed so we don’t know how that will impact future billings.

Recreation Department Activities: Mayor Duke reported that on April 23, 2022 the recreation department, in conjunction with the US Fast Pitch Girls Softball, hosted a tournament with 22 teams in attendance from Georgia and Florida. The hotels in Adel and Valdosta were full with over 800 people in attendance. Tournaments are also scheduled for May 7th, May 15th, June 4th-8th and June 21st-25th. Mayor Duke advised that Recreation Director Michael Folsom would like to host two tournaments per month as this would allow recovery time for the grass fields in between tournaments.

Dr. Treva Gear: Dr. Gear's request to come before the council was for a follow-up concerning the complaint process and concerns about ethical standards. She stated this is her hometown, so for the nay-sayers who say she shouldn't be up here speaking to y'all, that doesn't count, you're supposed to come back and invest in your hometown. She wanted to know from the council what they had decided about the complaint process that she had asked to put in last year. They found when addressing issues with Advanced Cylinder & Tank there was no documentation because there was no complaint process. In the military, what they call that, and as an army veteran, if it's not on paper it didn't happen, so there's no recollection and no accountability. City Manager John Flythe responded that most of the complaints we receive are related to utilities, grass cuttings, limb hauling, etc. We try to act on those immediately. In the past 12 months we've had labor problems, being very short in that area. We do not keep long term records on complaints. With what we've been dealing with over the last 6 months, and this would be the programmer that is working on the billing system that would do anything with a compliant form, we have not focused on anything else but utility bills. If you guys (mayor and council) want us to do a complaint system, it would have to be a program and I would not want anyone else to do a complaint system other than the guy who is working on what we're doing now. I am not going to recommend we deviate him to do anything else. That would be his recommendation. He then asked Dr. Gear if she had a complaint system that she would like to bring and propose to look at. She stated Valdosta has a complaint system and she would be more than happy for her and some of the citizens to come to you all about some options. She doesn't know how we can enforce ordinances, if they're violating the ordinances, and you can't take legal action if you don't have a record of it. He advised her to get who she wanted and we could sit down and have a meeting. She then addressed ethics. She doesn't see where there is necessarily an ethics standard written into the charter for the city council for the city government and that is a major concern related to the issues that have come up recently in the past year or two. She named Renewable Bio-Mass for one. When you have council members who sit on the Adel Industrial Development Authority and planning commission. We come to these meetings and ask questions and they say they don't know anything yet their names are on the minutes and we know they know stuff. When do you cross that fine line? That gets murky when you're supposed to be serving the people but you're also trying to serve industry. We want businesses, but we want those that build and not kill our community, kill our lungs and kill our health. She is curious to know why. We also had a vote on an industry, Renewable Bio Mass Group, for which one of the council members actually works for a company that builds sawmills and they voted on that. What is the council doing about that and why don't we have any ethical standards? Mayor Duke stated that in a lot of these meetings where he has represented the city council, we have to go by guidelines where confidentiality is in place and you can't talk about it in public meetings because its confidential until the company is ready to go public with it. That happens a lot of times. These boards are done with an intergovernmental agreement between the city and the county, the county and these boards, and the city and these boards to represent the city council. The city council voted on these people to sit on these boards just like we have voted on recent boards for the public to sit on as well. These people sit on these boards and they represent the city council to make decisions for the city council. That doesn't mean they can come out of that meeting and go spread it in the newspaper. It's confidential information until that company decides to go public with it. You may feel like you know something about it or other people, and they may, but that doesn't give the city council person the authority to talk about it in a public meeting or anywhere. It is up to the chairman of that board to let that information out. Those board members can then discuss it but its

only after the company that's searching to come here allows that information to be spoken. As far as EPD and EPA, if people from here go visit them, if we are in violation, they are going to shut us down. We respect that. We ask them to. If there is something wrong, let's get to the bottom of it and find out what's wrong and do something about it. But of all times EPA and EPD has been contacted by people in Adel in regards to a business around here, they have not acted on it. They have not said they are in violation and they have continued to allow them to do business by the law of the land that is set forth in the state of Georgia by the legislature of the State of Georgia. Therefore, they are legal to do business here in Cook County as forth by what the state says. It's not up to us to shut them down because they have the state license to operate. She stated she did not know what he was speaking of as her question was related to ethics, but since he brought that up, when you're talking about that, that goes also with ethics. What you are speaking of is a public nuisance law, which is a state law. It states it does not have to be illegal, which means it does not have to be a violation of the EPD, of any guidelines, it only has to be a problem to the community, a major odor or a problem. Since you bring that up, I'm wondering why the council doesn't uphold the state law, that's ethical. She concluded by asking the council to strongly consider the things she addressed today because it's glaring and we need it.

Altheia Paige: Mrs. Paige requested to come before the council to discuss Advanced Cylinder & Tank and light bills. She began by stating that at the last meeting there was a vote in reference to a business. If you go back and look at the protocol, the council sets ordinances and policy. It is up to them to direct the city manager as to what to do. We hired a city marshal a year or two ago that would actually be able to go out and if they are in the violation of the city code, charter or whatever it may be, that city marshal can issue a citation. If he doesn't issue a citation, the chief or one in this department can issue the citation. The vote at the last meeting was not in compliance with the rules and regulations and the city ordinances of the City of Adel. Secondly, when she put in her request to come before the council she included light bills; however, she had spoken with the city manager and he wanted to have a work session. However, light bills that went out for the first of the month are due by the 13th without any penalties; after that, there is late fees and possibly disconnect. We do not have another meeting until the 16th. That does not give the citizens any time or for us to work with anybody in reference with those bills. I also asked that because we had been given information that you all did not have any information to go by, however, when we got the bills it does list all of these past 12 months. So, we have some inconsistencies as to how we're going about the light bill, what happened, who dropped the ball, or whatever the case may be. We have plenty of money with the City of Adel that we can use to offset some of everybody's bill. If we've got 7 months that's due, if the City takes on 3 or 4 months and the citizens take on the rest of it. Councilwoman Hayes asked when she proposed to have a work session? She replied that she didn't have a date because the next meeting for the council is after the date the bills are due; one being her light bill, and she has questions regarding that one. It doesn't matter to her, she would like to sit down, not just her though, because things have a way of getting misconstrued, so anytime they're able she would like to sit down along with members of the concerned citizens. She then stated that the council sets the rules and regulations. The Mayor only votes if there is a tie. If there is no tie, the Mayor has not vote so the council as a whole decides what to do. The city manager works for the council. The city attorney works for the council so we need to be able to set some guidelines as to what can or can't be done as far as in violations. What she would like to see again is because it was not done correctly when Mr. Tanner said a vote, actually we didn't need a vote. It was the council's position to say we are going to issue a citation and go from that. Let the judge hear it and that's it. I don't want

you to show me no favoritism and I'm not going to show you any because I believe in being fair. As long as we are fair across the board, there's no problem. That's all she asks for.

There was no further business and the meeting was adjourned.

Rhonda P. Rowe, City Clerk

Luther L. Duke III, Mayor
