

Council Meeting
August 19, 2019

Members Present: Mayor Buddy Duke, members Terry McClain, Greg Paige, Michael Purvis, Vivian Sharpe and Jody Greene

Others Present: Rhonda Rowe, Chad Castleberry, Jeremy Baker (Coleman Talley Law Firm), Mike Beverly, Brandie Dame and several members of the public.

Invocation was given by Councilman Purvis

Pledge of Allegiance

Public Hearing (Richard Lasseter): Councilman Paige made a motion to enter into public hearing to gain input on the rezoning application filed by Richard Lasseter for property located at 2000 S. Hutchinson Avenue. Councilman McClain seconded with all in favor. The application requests the property be rezoned from Wholesale Light Industrial (WLI) to Residential – Professional (RP) to allow a single-family dwelling, and light business or both. Mayor Duke stated the planning considerations which were (1) the property adjoining Mr. Lasseter’s on one side is zoned Residential Professional, and the other adjoining property is zoned Residential. (2) This would not be spot zoning. (3) It is located on an arterial thoroughfare. The planning commission recommendation was denial of the rezoning. Tim Pafford spoke in favor of the application stating that he is the owner of Quality Septic Service and they perform work statewide 24 hrs per day/7 days per week, 365 days per year. He stated he has a great working relationship with the City, has saved the city dollars, has keys to every lift station and can respond to our problems quickly, sometimes getting there sooner than city employees. He stated he pumps for many businesses, including other towns. He has pumped for the local school system 4 years as well as the state corrections facility. Location is critical for him. He has over 300 tanks that he services every 90 days and he has to be with his business 24 hours per day. He stressed that he needs to be with his equipment as he is a Mom & Pop operation. Councilman McClain asked what exactly he does at the property. He replied that he has a \$125,000 piece of equipment that needs to be secure, indoors. He needs to be able to walk out and get immediately into his truck. His response time can keep sewer from backing up into homes. He added he wanted the working relationship to continue. Mayor Duke asked if the parcel just north is zoned RP? Mr. Pafford stated that it was, along with the one across the road as well. Richard Lasseter, owner of the property, also spoke in favor of the rezoning application. He stated that in the past he has had some infamous characters leasing the property that have destroyed the shop. The last ones are now on the run from law enforcement. However, those problems have been in the past. To have someone come in like Tim, who has done a beautiful job, takes care of the property, he is a credit to this community. He has definitely improved the condition of the property and is a good, honest person. Councilman McClain asked how long people have resided at the property. Mr. Lasseter stated it was built in 2005. One of the prior occupants made the apartment on one end. He further added that he wasn’t familiar with code enforcement regulations and never questioned it, adding that sometimes some of the guys would hang out there. (It had previously been used as a race car engine shop) He stated he was surprised by all of this as he had talked to one of the neighbors before and she indicated there was never any problems. He almost thought this would have been grandfathered in.

He added that Chris Davis, the former building official, used to hang out there and he had told him one time that "Adel doesn't always go by the letter of the law until we get a problem". Lashandra Wiley, who resides at 2030 S. Hutchinson Avenue, spoke against the rezoning application stating that she resides in the area and has seen some characters over the years. She has lived there almost 25 years and one moment it's a business, the next moment someone is "chasing bigfoot" as Mr. Lasseter had previously eluded to. Someone is shooting rifles, one moment it looks abandoned and the next a family is living there. Her concern is that if we're to follow the rule of law, she can't see how one moment we're residential, the next a business. She doesn't want to have to worry about what is a few feet from her. All have to follow the rule of the law. She was concerned as to how we can go 2 months as a residence, then it's a wrestling gym. She's concerned about the individuals there. Wonders if it's a safe environment. There have been a lot of issues that involved law enforcement. Wants to be sure it is safe and that she doesn't have to be fearful when she goes out. Maysoe Wiley spoke lastly in opposition. He has lived there for 46 years and owned Wiley's Electric for 18 years. He is opposed for several reasons including (1) the zoning committee voted to deny the request by a vote of 8-1 (2) law enforcement being there – he provided 7 incident reports that have been written during a 1-1/2 yr period; he stated all issues occurred while people were illegally living there. He has also heard high-powered rifles being discharged. He further asked if it would be a conflict with one member of the council being a joint property owner to the property in question to have a vote? Councilman Purvis then asked for clarification as to what was there at the property now? It was noted that Mr. Pafford and his wife reside in the apartment and he also operates his business out of there. His pump trucks and equipment are there as well. Councilwoman Sharpe asked Mr. Pafford if there had been any incidents lately? Mr. Pafford replied that he had not planned to get into this since it was a zoning matter but since she asked, yes, there has been one incident. Late one afternoon he heard his wife screaming and he ran outside. While walking the dogs, a drone had hovered above her. He then saw it go down into Mr. Wiley's back yard. He went down there and when Mr. Wiley finally came to the door he was laughing. He advised Mr. Wiley that he would shoot it down out of the sky if it flew over his wife again. A drone is nothing but a way to film people. Mr. Pafford also had copies of the FAA laws regarding the distance a drone can be flown near an airport and the height they can be. He stated Mr. Wiley was in clear violation. He further stated that he didn't believe in drones. If your flying one, you're snooping on people. He noted that he, along with several family members, were in service and that he was an aviation buff. He further stated that he did not threaten any person. As far as bad things happening, Mr. Pafford stated law enforcement cars are at Behavior Health Services all the time. He didn't cause the problem with Mr. Wiley, and maybe he overreacted, but he is going to protect his family. Mrs. Wiley then stated that she was sure Mr. Pafford loves his wife, just like her husband loves her. As far as the drone, he received it for Father's Day as a gift from the children and her. She did feel she had some right when she saw Mr. Pafford raging mad to call law enforcement, how could she have thought she wasn't in danger. It was a toy. When you trespass and come on somebody's property, law enforcement gets called. Mr. Wiley then began addressing the council when Mayor Duke stated he thought they had heard enough explanation. Mr. Wiley concluded by stating that he was an easy going person and he wasn't laughing when he came to the door. He was using the drone for the first time, just trying to learn how to use it. There was no further discussion and the public hearing was declared closed. Mayor Duke then asked Jeremy Baker, an attorney with Coleman-Talley, for his opinion regarding it being a potential conflict of interest for Councilman McClain to participate in the voting process. Mr. Baker advised that if Councilman McClain, in good conscience, feels that he can make a decision on the matter, then he can

do so. Mr. Baker also stated that he could go back to the city attorney, Tim Tanner, for his opinion and then report back to the council if they would like. Councilman McClain stated he could have recused himself; however, he felt Mr. Wiley should have recused himself from the planning commission. Councilman Purvis asked Councilman McClain if he had anything to gain from the rezoning decision to which Councilman McClain replied, nothing at all. Councilman McClain further stated that if the council wishes for him to recuse himself, he will. Mayor Duke advised that there would be no vote taken tonight. Any vote would occur at the next meeting.

Ord. #19-03: This ordinance, amending the zoning ordinance and zoning map by rezoning property located at 2000 S. Hutchinson Avenue from WLI to RP, was read for the first time.

Karla Walker: Ms. Walker, representing Path Church located at 401 N. Burwell Avenue, came before the council concerning their annual Community Harvest Festival. She is requesting the portion of Burwell Avenue in front of the church be blocked off from the corner down to Goody's driveway from 10:00am until 4:00pm on Saturday, September 28, 2019. Councilman Purvis made a motion to approve the request. Councilwoman Sharpe seconded with all in favor.

Audit Report: Tony Eckler, representing Meeks CPA, LLC came before the council to provide the audit report for fiscal year ending 9/30/2018. Mr. Eckler noted that he had been auditing the city for several years. He went through several pages of the audit report with the council explaining any significant differences between the current and prior years. He noted on the General Fund operating income statement that general fund revenue included proceeds received from expenses related to Hurricane Irma; he also noted that collection of fines and forfeitures decreased by 25% as compared to the prior year. General fund expenses included an increase over the prior year mainly due to a health insurance payment that fell into FY 2018 instead of FY 2019. Public works saw an increase due to a garbage truck purchase, mulching fees and repairs. There was a total \$437K increase in excess of expenditures over revenues as compared to the prior year. When looking at the other financing sources (uses) section of the general fund, it includes proceeds from notes payable, capital leases, as well as transfers from other funds (utility funds) to the general fund. He explained that the general fund pays all the bills and receives revenue from payments. There is a build-up of amounts that then become due between the general fund and utility funds. Those amounts due between funds were settled in FY 2018, thus the reason for the large difference in comparisons between the two years. If you look at what was normally budgeted in one year for transfers, there is a decrease of approximately \$500K in fund balance for that period of time. He also reviewed the operating statement for utility accounts and noted there were net operating incomes in water, sewer and electric with the gas almost breaking even. He also reviewed other statements included in the audit report. He reviewed the statement of net position which includes component units of the city. Those are the Economic Development Commission, Industrial Development Authority and Downtown Development Authority. He noted the Adel Industrial Development Authority needs a more complete set of books. A lot of information is going into these transactions, which can be large, and more complete records are needed instead of trying to decipher information. Overall, he stated that the City of Adel looks healthy. As far as concerns, we will have a single audit next year due to the receipt of federal funds and we need a better set of books related to property transactions for the AIDA. Another concern is the upcoming software system upgrade. While it could go seamlessly, it is normally difficult due to the complexity of an electrical system. The

timeframe is a concern and he doesn't want the council to underestimate the significance of changing systems as it can be a difficult transition.

Auditing Firm Engagement: Councilman Purvis made a motion to appoint Meeks CPA, LLC as the auditor for next year. Councilman Paige seconded. The decision was unanimous.

Ord. #19-02: Councilman Greene made a motion to proceed with the first reading of Ordinance #19-02, annexing property located on Old Quitman Road, map/parcel 0040E/021, into the city limits of Adel. Councilwoman Sharpe seconded with all in favor. The public hearing was held at the last meeting.

Appointment to Area Agency on Aging: Councilman Paige made a motion to table this item until the next meeting. Councilman Greene seconded. All were in favor.

Main Street Board Discussion: This item, having been discussed at the last meeting, was brought back before the council for a decision regarding the appointment of a separate board from the DDA and, if so, the number of members recommended for the board. It was noted that you can have DDA members to serve on the Main Street Board as DDA Director Brandie Dame explained she would like to have a couple of members from the DDA board to serve on the Main Street board if the council voted to have separate boards. Councilman Purvis asked if there were any advantages to having separate boards. Ms. Dame explained that the DDA board primarily performs business-like duties which include the sign ordinance and code enforcement as examples. The Main Street Board focuses more on design of the program, volunteering with events, etc. Councilman Purvis then asked how the two boards would interact with each other. Mayor Duke stated they would act in unison with each other. For example, when we get our study completed, we may have separate goals for each or they can be the same. The advantage sometimes is that you can get things done quicker with a separate group working on a different item. Councilman Greene made a motion to appoint a separate board for the Main Street Board. Councilwoman Sharpe seconded. The decision was unanimous. Councilman Purvis then made a motion to appoint 11 members to the board with the appointments being for staggered term lengths. Councilman Paige seconded. All were in favor. Mayor Duke then advised the council that we would proceed with preparation and adoption of the by-laws followed by the appointments. Councilman Purvis then gave accolades for the number of people he has observed in downtown over the last 2 to 3 weekends.

Res. #19-09: This resolution, authorizing the execution of one or more lease supplements under the GMA direct leasing programs, to designate such leases as qualified tax-exempt obligations; to provide an effective date and for other purposes, was presented to the council. Councilman Purvis made a motion to approve the resolution. Councilman Greene seconded. The decision was unanimous.

Budget Work Session: The council will hold a budget work session on August 28, 2019 beginning at 12:00 pm.

There was no further business and the meeting was adjourned.

Rhonda P. Rowe, City Clerk

Luther L. Duke III, Mayor
